Statelessness and Empowerment in Malaysia

DHRRA Malaysia

THE MALAYSIAN INDIAN-TAMIL COMMUNITY has faced challenges relating to identity documentation and confirmation of Malaysian citizenship for many years. Those without citizenship are commonly referred to as "Stateless Malaysians." The origins of these challenges are partly historic and partly related to current challenges faced by the community.

During British Colonial rule, a significant number of Indian-Tamils were brought to Malaysia to work in plantations. When Malaysia regained independence, the Federal Constitution granted these Indian-Tamils and their descendants the right to acquire Malaysian citizenship.

However, many members of this community were living in remote plantations and did not acquire identity documentation because they remained unaware of its importance. In particular, they did not register their children's birth.

When these communities subsequently moved to urban areas after the plantations were redeveloped, those without identity documentation found that their access to public services was restricted despite their strong links to Malaysia and potential entitlement to Malaysian citizenship.

Up until 2014, it was officially acknowledged that there were some 40,000 stateless persons mainly within the Indian-Tamil community in West Malaysia - namely persons not considered nationals by Malaysia or any other country.

Other Marginalized Communities in East Malaysia

There are likewise people who may be stateless or at risk of being treated as stateless in East Malaysia, particularly those who belong to the *Bajau Laut* (*Sama Dilaut*) communities on the east coast of Sabah.

They are a nomadic population living in boats or in "water villages" on Malaysian coastal waters.

Many do not have identity documents because their births are not registered and their parents have never obtained identity documentation. There are no available estimates of the overall number of *Bajau Laut* affected by statelessness in Malaysia, but the number of undocumented children in the community is considered to be high due to their nomadic lifestyle and lack of documentation. This population also resides in the Philippines and Indonesia and there are reports that many still migrate between these three countries.

Based on Malaysian law, all children born in Malaysia are allowed to be registered under universal birth registration. But the lack of identity documentation among irregular migrant parents acts as a barrier to the birth registration of their children. Complications arise in practice when migrant parents are unable to provide the Malaysian authorities with documentation to prove their identity, their link to a State, or even their connection to the child.

Further to that, abandoned children in welfare homes and unaccompanied minors or street children are widely reported to be stateless, but the number affected and the extent of statelessness amongst these children is unclear.

Development of Human Resources for Rural Areas

In 1974, the Development of the Human Rural Resources in Asia Workshop (DHRRAW) held in Swanganiwas, Thailand gathered about one hundred and twenty rural development workers and practitioners to engage in dialogues that focused on the challenges and responses to rural development. At the end of the eventful three-week workshop, a call for continuous dialogue among the participants was made. As such, a support structure, the Center for the Development of Human Resources in Rural Asia (Cendhrra), was created to facilitate the sharing and exchanges across the Asian region. Since then, different forms of dialogue and sharing were done to strengthen the movement. In 1994, the movement which was effectively supported by Cendhrra formally evolved into its present state, a regional network of country dhrras known as Asia Partnership for the Development of Human Resources in Rural Areas (Asiadhrra).

After more than two decades, the regional network is now composed of DHRRAS from Indonesia, the Philippines, Malaysia, Thailand, Vietnam, Cambodia, Myanmar, South Korea, Taiwan, Japan and Lao PDR.

DHRRA Malaysia

The journey of building better communities in Malaysia began with the formation of DHRRA Malaysia as an affiliate of AsiaDHRRA in 1974. The journey continued with the establishment of DHRRA Network Malaysia (1999-2005), which focused on building a strong and self-reliant rural community through poverty alleviation and people's empowerment initiatives. Guided by the vision of vulnerable communities who are self-reliant and empowered to exercise their individual and collective rights, DHRRA Malaysia took over the lead in continuing the community development initiative in 2006 and had since initiated numerous programs with the communities, especially women and youth in rural areas, to support greater self-sufficiency and economic sustainability.

DHRRA Malaysia adopted the following Vision, Mission and Goal:

VISION

Vulnerable communities are self-reliant & empowered to exercise their individual and collective rights

MISSION

Enhancing self-awareness and equipping living skills among vulnerable communities to become self-reliant and empowered for them to be able to take charge of their lives

GOAL

Contribute to reducing vulnerability, marginalization, discrimination and economic exclusion in Malaysia.

DHRRA Malaysia has the following objectives:

- To strengthen social protection and use rights-based approaches to empower vulnerable members of communities in target to become self-reliant;
- To improve the standard of living and livelihoods of vulnerable communities below the poverty line and post-disaster communities;

- To develop stronger community leaders grassroots and rural people's organizations to come together based on shared identity and needs for strategic advocacy;
- To create, lead and grow social enterprise initiatives as a form of reliable mechanism of tackling social issues and building organizational sustainability.

The fundamental method to ensure effective community development is the direct service approach – addressing the community issues at grassroots level. The activities to empower the community are shaped by problem solving, skills training and dissemination of information.

DHRRA Malaysia also strengthened its position as an effective advocate for rural community development and needs in Malaysia. Its role is not limited to uplifting vulnerable communities at the national level. Recognizing the need for a holistic and widespread approach in addressing the issues and the development needs of the communities, it is actively engaged at the Asian regional level in advocating and promoting the rights of vulnerable communities through its affiliation with AsiaDHRRA and cause-based networks.

Protection

DHRRA Malaysia provides protection measures to the vulnerable and marginalized communities to ensure full respect for the rights of the individual in accordance with human rights law. For over a decade, DHRRA Malaysia has used community-based approaches to strengthen protection measures. Vulnerable populations such as the elders, women-headed families, children, specially-abled individuals, indigenous, minorities, refugees, and stateless persons often face exclusion and poverty. These communities have limited opportunity to exercise their rights. They are either not aware of their rights or due to the nature of the community have limited access to essential services and benefits. Thereby, they live in compromised condition. DHRRA Malaysia provides social protection for the vulnerable community in order to assist them to take charge of their lives by providing support and resources needed to exercise their rights. These include assisting access to government services and benefits, provision of knowledge on constitution and law involving family matters, providing financial literacy, employment, etc.

Awareness

DHRRA Malaysia organizes a range of programs and activities to raise awareness of the issues affecting the vulnerable, marginalized and stateless communities in Malaysia. The thematic essence of every awareness initiative is to make community and policymakers become aware of an issue as the first step to change: which includes dissemination of information, social media engagement, and other suitable local, national, regional and global campaigns.

Ending Statelessness

To address statelessness in the country, DHRRA Malaysia identified five goals that should be realized, namely,

Goal 1 - Advocate for policy improvements in respect of citizenship by naturalization and registration and automatic acquisition procedures and processes;

Goal 2 - Advocate for policy reform to remove gender discrimination from the Constitution;

Goal 3 - Issue documentation to those with entitlement to it (West Malaysia);

Goal 4 - Support the efforts to improve quantitative and qualitative data on statelessness in East Malaysia; and

Goal 5 - Design and deliver effective social development and integration programs targeting stateless people.

Effective policy solutions to the problem of statelessness must be based on proper understanding of the circumstances of stateless persons and accurate baseline data. DHRRA Malaysia has started working on identity documentation issues in West Malaysia in 2004, but has not had the capacity to set up the required services to identify, register and provide legal aid to stateless persons.

In June 2014, DHRRA Malaysia started the registration and paralegal aid services in West Malaysia with technical support provided by United Nations High Commissioner for Refugees (UNHCR). DHRRA Malaysia's experience on community engagement and grassroots mobilization (mainly within the Indian-Tamil community, through vocational training, youth and women empowerment projects) enabled it to reach out to and consult with affected populations so that their needs were understood and views were duly incorporated into the planning and solution delivery process.

Most community members live in remote areas of the palm oil plantation sites where they work and cannot afford to travel to town. DHRRA Malaysia mobilized sixty-four volunteers to carry out registration activities – travelling town to town, from one rubber plantation to the next, to reach out to communities who would otherwise not be able to benefit from its services. DHRRA Malaysia mobile teams consisted of eleven volunteers in each district, further divided into smaller groups to map the settlements that are scattered across the vast palm oil plantations and to register stateless persons.

During the registration process, stateless applicants were interviewed by the volunteers of mobile registration teams, and provided key details about their family situation and history, citizenship, and documentation issues. Volunteers captured the key details of stateless applicants using an application on a mobile device, and the data was then uploaded and synced into a central, secure database instantly. Volunteers would then refer the applicants to community-based paralegals to further initiate legal assistance in submitting nationality applications to the government. The online system developed with technical support from UNHCR is a critical component of this process which allows access to the registration records of stateless people for those authorized, including community-based paralegals.

DHRRA Malaysia was able to compile accurate baseline figures on statelessness in the country through its registration and community-based paralegal aid services in four states (Selangor, Perak, Kedah and Negeri Sembilan) in West Malaysia in June 2014.

The mapping exercise successfully identified over 13,000 stateless people. It was also a ground-breaking effort in overcoming the hurdle of quantifying statelessness in Malaysia. Though the initiative ended in 2015, DHRRA Malaysia continues to assist stateless persons from diverse ethnicities in Malaysia to acquire nationality documentation through its communitybased paralegal aid services. Some of the initiatives were conducted with the involvement of the National Registration Department (NRD), the Ministry of Home Affairs (MOHA) and The Prime Minister's Office. Over the years, DHRRA Malaysia has supported and assisted thousands of individuals in freeing themselves from the cycle of statelessness that had entrapped them and their families. Due to DHRRA Malaysia's continuous advocacy efforts on the issue, statelessness is no longer a concealed issue in Malaysia. It has gained attention of various stakeholders, especially the Malaysian government, which prompted them to take the necessary actions to tackle the issue.

By the end of 2016, more than 1,500 of them acquired nationality documentation. But there is still much to do to achieve the goal of ending statelessness in Malaysia.

More significantly, the initiative identified the necessary administrative or legal measures required to find a solution to the issues involved.

Community Paralegal Aid Model

DHRRA Malaysia's community paralegal aid model was developed as a means of delivering much of the legal assistance required. A detailed training program and case management system was devised to ensure the quality of any advice and assistance provided by the paralegals and that more complex cases (such as those requiring resolution by the court) were referred to the much smaller team of pro bono lawyers. As such, community members were able to deliver the required assistance, overcame the language barrier and literacy issues and also promoted stronger beneficiary acceptance of legal assistance.

Legal empowerment through community-based paralegals proved to be an immediate way for communities to acquire or confirm their nationality. The mapping component project ended at the end of 2015, but paralegals continue to serve as the link between the community and government institutions, acting as a flexible and accessible way to access justice. They use their knowledge of law, mediation, education, planning, and advocacy skills to seek concrete solutions for stateless applicants.

As a result of the progress made through the registration and paralegal aid services in West Malaysia and building on links established in 2014, DHRRA Malaysia was able to play a catalytic role in replicating and devising a project to address the statelessness of the members of the *Bajau Laut* communities in East Malaysia. In 2015, DHRRA Malaysia started lending its technical support to the grassroots community organizations in the State of Sabah in East Malaysia. Brightly dressed in orange shirts, DHRRA Malaysia volunteers went door-to-door in neighborhoods, with the aim of locating and registering stateless people until the end of 2015. It was particularly challenging for them, as the resumption of the project in June 2014 had coincided with the beginning of the monsoon season. Volunteers had to brave torrential rainstorms on most afternoons and movement was limited. According to Manivannan, the Project Coordinator in Kedah, it was not only the weather conditions that hindered progress at the time of mapping, but also the slow process of gaining the community's trust. "People here have endured the invisibility of existing with no documentation in their entire lives. They may not see the point in registering with our project unless there is an immediate outcome," says Mani, as he is known.

In addition to assisting individual applicants, community-based paralegals form an essential component of the project as they undertake doorto-door community outreach, community meetings, and educate their own community about nationality law and application procedures.

Therefore, the work of paralegals is not limited to assisting individual applicants in obtaining documentation, but their work concerns empowering communities to have confidence as citizens. All throughout the mapping process until the end of 2015, paralegals continued to facilitate community meetings to educate the community about Malaysia's citizenship law, citizenship and birth registration application procedures.

On 30 September 2021, DHRRA Malaysia organized in cooperation with Commonwealth Foundation an online webinar entitled "Social Media



Advocacy – Raising Awareness of Stateless Persons in Malaysia." The webinar was attended by community paralegals and stateless persons and their family members.

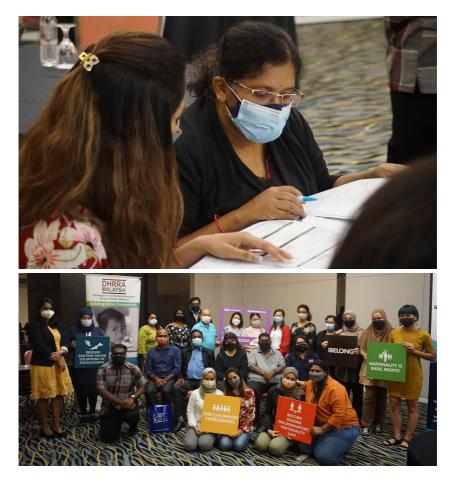


Online forum "Social Media Advocacy – Raising Awareness of Stateless Persons in Malaysia," 30 September 2021.

DHRRA Malaysia held the Training of Trainers for Community Paralegal Leaders on 23 - 25 November 2021 in cooperation with Commonwealth Foundation.



(This page and next page) Training of Trainers for Community Paralegal Leaders, 23 - 25 November 2021.



Community Leadership Initiatives

DHRRA Malaysia implements several initiatives aimed at empowering community leaders through legal literacy activities.

The community leaders are crucial link to grassroots communities. They are individuals who assume leadership role within their community and are committed to bringing positive changes to their community, including teachers, heads of apartment blocks, Imams of mosques, village heads, and heads of residential areas, among others. The community leaders act as a bridge between the community and DHRRA Malaysia in identifying the community's emerging needs and in ensuring adequate support if made available to them, mainly in crisis situation.

Recognizing community leaders as the first point of reference for their respective community, DHRRA Malaysia has prioritized over the years the building of grassroots leadership capacity to take on leadership roles in addressing urgent issues faced by their community. Capacity-building workshops are organized to equip leaders and potential leaders within the communities with the relevant leadership knowledge and skills to improve and enhance their leadership capacity.

Community leaders are being trained to become community-based paralegals. DHRRA Malaysia continues to successfully capacitate and engage community leaders as community-based paralegals in the legal empowerment of the stateless and undocumented community in Malaysia, including in the recent initiative to empower community paralegals in engaging government agencies towards addressing and resolving statelessness caused by gender inequality practices.

DHRRA Malaysia held a meeting in August 2022 with Selangor State Community Leaders. One participant (Azrin Bin Azami, Putrajaya Entrepreneurs Club) expressed her gratitude in attending the meeting: "I am grateful to DHRRA Malaysia for holding such a program to increase knowledge and also I was able to establish relationships with other NGOS/ CSOS [non-governmental organizations/civil society organizations] based in Selangor."



(Above and next page) Meeting with Selangor State Community Leaders, August 2022.



Training of Women Leaders¹

Globally, women have fewer opportunities for economic participants than men, less access to basic and higher education, greater health and safety risks, and less political representation. With the ongoing COVID-19 pandemic, even the limited progress made in the past decades is at risk of being rolled back.

While everyone is facing unprecedented challenges, women are bearing the brunt of the economic and social fallout of COVID-19.

Pre-existing inequalities and discriminatory social norms have hindered women's participation in decision-making. However, DHRRA Malaysia believes, women's awareness of their human rights is one of the first steps towards the achievement of gender equality.

Legal empowerment of women is a crucial step as the lack of women in decision-making positions in Malaysia poses a great concern as it impedes women's voices from being heard at the policy level and the inclusion of gender and women issues in the discussion and formulation of laws and policies crucial to the women's wellbeing. The advancement of the nation and achievement of Sustainable Development Goals on gender equality and empowerment of all women and girls, will not be possible without the inclusion of women.

In collaboration with European Union, DHRRA Malaysia initiated a series of Legal Literacy Training for Grassroots CSO₈ and Women Political Leaders in Malaysia.

From March to May 2021, DHRRA Malaysia conducted three legal literacy training activities. These trainings were organized in Selangor, Perak and Negeri Sembilan and discussed Malaysian Constituency, Family Law, Criminal Law, Consumer Law, Shariah Law, and Employment Law. The participants took this opportunity to discuss many grassroots issues with lawyers and experts giving presentations. The participants of the program included members of civil society organizations and women political leaders.

Legal Literacy Training in Selangor²

A three-day workshop (30 March - 1 April 2021) was organized for members of CSOs and women political leaders in Selangor. Various aspects of the Malaysian legal system were explored during the program, including Fundamental Rights, Employment Law, Family & Marriage, Criminal Law, and Consumer Rights & Protection.

Legal Literacy Training in Perak³

DHRRA Malaysia conducted a Legal Literacy Training program in Ipoh, Perak on 6 – 8 April 2021. Women political leaders from various political



(Above and next page) Legal Literacy Training for Grassroots csos and Women Political Leaders in Malaysia, April 2021.



parties and members of CSOs from the state of Perak attended the workshop. Laws regarding Fundamental Rights, Employment Law, Family & Marriage, Criminal Law, Consumer Law, and Shariah Law were discussed. The participants were grateful for the knowledge shared and came up with outreach program action plans for their respective communities.

Participants' Reactions to the Training Activities

Several participants shared their view about the training activities held:

I have learnt a lot of information from this training. I hope I will use it wisely in my daily life and will make it useful for other women out there.

It's good for us, working and non-working women, to know all these things. We will be able to take care of ourselves and be prepared if something happens. These have lots to do about my work... this knowledge is very beneficial.

I am now able to share this information, especially on Family Law, when members of my community seek support.

I am looking forward to sharing this information with my community.

The issues discussed here are [...] current and relevant. I hope everyone gets this knowledge.

I will pass on this information.

On 22 April 2021, DHRRA Malaysia organized a talk on statelessness caused by gender inequality entitled "Awareness Talk on Addressing Stateless Caused by Gender Inequality Practices and Law."



"Awareness Talk on Statelessness Caused by Gender Inequality," 22 April 2021.

DHRRA Malaysia held a seminar entitled "Empowerment of Grassroots Women csos as Agent of Development and Change in Strengthening Women's Role in Society" in July 2022.



(Above and next page) "Empowerment of Grassroots Women csos as Agent of Development and Change in Strengthening Women's Role in Society," July 2022.



Other Educational Initiatives

Formal education

DHRRA Malaysia has engaged in a key advocacy initiative to integrate one or more units on statelessness into an existing course curriculum at primary school level.

The effects of exclusion and stigma can create an invisible burden for stateless children. This makes it very difficult for them to be healthy and live up to their academic potential. With an aim to break down the barriers between statelessness and social services, UNHCR developed the "Elementary School Teacher's Guide to Teaching on Statelessness for Children" and then partnered with DHRRA Malaysia for its roll out.

The toolkit engages primary school level students between the ages of nine and thirteen in a dialogue on statelessness and the issues related to it in Malaysia. Youth volunteers developed an online webinar to accompany the toolkit which can be, through further cooperation with the Ministry of Education, introduced at national schools, and ultimately incorporated into the national curriculum.

Several law faculties have shown an interest in covering statelessness as a subject in the university's curriculum. Joining UNHCR at various university lectures on nationality and statelessness, DHRRA Malaysia shares its knowledge with and engages the youth who look for ways to contribute to collaborative efforts in addressing statelessness in Malaysia. These include pro bono legal aid for stateless applicants by setting up legal aid clinics at law departments, education campaign with the use of the Teacher's Toolkit targeting primary school students, and youth information sharing platforms with formerly stateless youth.

In order to reach out and engage a wider part of the Malaysian population in the effort to resolve statelessness in the country, Statelessness Awareness Campaigns are organized by DHRRA Malaysia, targeting university and college students specifically. In line with this, "I pledge my Action to address statelessness" was launched at the Cyberjaya University on 12 February 2020 to reach out, expose and increase the awareness of the students on the statelessness issue in Malaysia.

Advocacy and awareness

As part of its effort to resolve statelessness, DHRRA Malaysia continues to play an active role in creating better understanding and awareness among the policymakers and the general public on statelessness. In addition to organizing briefing sessions aiming to sensitize individual policymakers on the issue, DHRRA Malaysia has been working closely with local Members of Parliament by providing free consultations at their offices for the stateless community in the respective constituency. Invitations are also extended to government officers, members of civil society organizations and other stakeholders to participate in workshops aiming to create awareness and understanding of statelessness.

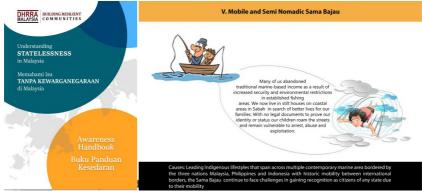
DHRRA Malaysia produced two infographic handbooks (*Awareness Handbook: Understanding Statelessness in Malaysia* and *Resolution Handbook: Resolving Statelessness in Malaysia*) to create awareness on the issue of statelessness in the country. To ensure that the information is understood by a larger segment of the society, the handbooks were translated into local languages including Bahasa Malaysia, Tamil and Chinese:

1. Awareness Handbook: Understanding Statelessness in Malaysia (Memahami Isu TANPAKEWARGANEGARAAN di Malaysia)⁴ Contents:

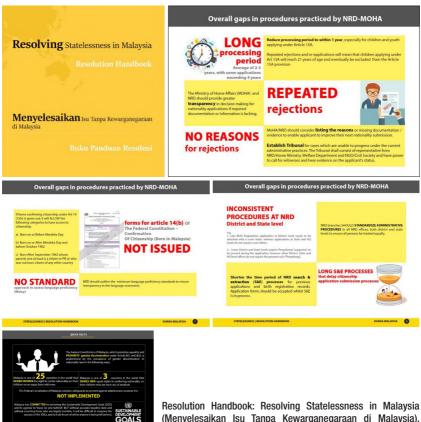
- a. Defining stateless persons and other related terms
- b. Categories of statelessness in Malaysia and causes
- c. Types of Identification Documents in Malaysia
- d. Importance of marriage, birth and death registration
- e. Provisions of nationality law in Malaysia.

2. Resolution Handbook: Resolving Statelessness in Malaysia (Menyelesaikan Isu Tanpa Kewarganegaraan di Malaysia)⁵ Contents:

- a. International Laws which Protect Access to Citizenship
- b. Safeguards to Prevent Statelessness in the Malaysian Federal Constitution
- c. Gaps in the Nationality Policy
- d. Quick Facts.

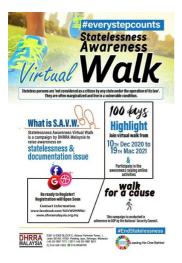


TANPAKEWARGANEGARAAN di Malaysia), 2019.



(Menyelesaikan Isu Tanpa Kewarganegaraan di Malaysia), 2019.

DHRRA Malaysia launched the Statelessness Awareness Virtual Walk (s.A.v.w.)—a virtual campaign to bring awareness on statelessness and documentation issues—on 10 December 2020, in conjunction with Human Rights Day. Through the campaign, DHRRA Malaysia aimed to dedicate one hundred days, from 16 January 2021 till 25 April 2021, to enhancing understanding on statelessness, its causes, and ways to address it.



S.A.V.W. was the first of annual events planned by DHRRA Malaysia to raise awareness on statelessness. This virtual campaign was part of DHRRA Malaysia's ongoing efforts to localize Sustainable Development Goals 2030 principle of leaving no one behind. The campaign was endorsed and supported by more than twenty non-governmental organizations.

The one-hundred-day campaign provided participants access to exciting activities including the virtual walk as well as numerous online awareness-raising activities such as webinars, workshops, sharing and polling. There was also the opportunity for

participants to be a part of multi-stakeholder discussions in deliberating on ways to address statelessness in Malaysia.

Final Remarks

Ending statelessness requires a higher intensity of collaboration between a wide range of actors including the stateless people themselves. DHRRA Malaysia's registration and community-based legal aid services established the full scope of this problem and will continue to drive advocacy efforts to find durable solutions for stateless persons in Malaysia.

Over the years, apart from addressing social needs and self-reliance of rural communities, DHRRA Malaysia has also included initiatives that contribute to achievement of the larger goal of poverty eradication within the nation among vulnerable persons. DHRRA Malaysia aims to ensure sustained improvement of the quality of life of the vulnerable population through various combinations of efforts geared to uplift the communities it works with. In short, DHRRA Malaysia provides social protection of varied stages for community members who are in need. DHRRA Malaysia believes that a nation's progress depends profoundly on the knowledge, skills and competencies of its people.

Endnotes

1 The discussion in this section is based on Legal Literacy Training Program for Grassroots CSOs and Women Political Leaders, https://dhrramalaysia.org.my/ legal-literacy-training-program-for-grassroots-csos-and-women-political-leader/.

2 Legal Literacy Training in Selangor, https://dhrramalaysia.org.my/legal-literacy-training-in-selangor/.

3 Legal Literacy Training in Perak, https://dhrramalaysia.org.my/ legal-literacy-training-in-perak/.

4 The Awareness Handbook is available at https://dhrramalaysia.org.my/wp-content/uploads/2022/04/Understanding-Stateless-in-Malaysia_compressed.pdf.

5 The Solution Handbook is available at https://dhrramalaysia.org.my/wp-content/uploads/2022/04/Resolving-Statelessness-in-Malaysia_compressed.pdf.