



DESPERATE LIVES:

Burmese Refugee Women Struggle to Make a Living in Malaysia

Women's Commission for Refugee Women and Children
Field Mission to Kuala Lumpur, Malaysia May 2008

Executive Summary

Economic opportunities provide women with life options, greater participation in decision-making and more equity within the household. As a result, they are assumed to protect women against gender-based violence.

The Women's Commission for Refugee Women and Children traveled to Malaysia to learn if and how this assumption held for refugees from Burma who live and work in Kuala Lumpur, the capital, without legal status or the right to work. In a hostile environment where refugees are systematically arrested, detained, whipped and deported, the Women's Commission found that in accessing the few economic opportunities available refugee women actually increased their risk of exploitation and abuse. While these women desperately need to work, without legal protection and legal status they are extremely vulnerable to violence and exploitation perpetrated by employers who are able to act with impunity because the women face deportation if they go to the police. Merely leaving the house to go to work puts refugee women at great risk of arrest and attack. Not working at all increases women's dependency on community members, spouses and neighbors, which also increases their risk of abuse. Over all, the Women's Commission found that refugee women have no safe livelihood options. The complexity of an urban setting and an adverse political environment make it very challenging for UNHCR and other refugee advocates to provide sufficient refugee protection and assistance.

Key Findings

- ▶ **Women risk arrest every time they leave the house.** This impedes their movement, narrowing their choices for work and limiting their interactions to mainly within their own communities.
- ▶ **Women have limited opportunities to earn a living.** The most common form of employment for refugee women is as waitresses or dishwashers in small restaurants.
- ▶ **The work refugee women are able to do actually increases their risk of gender-based violence.** Without legal status in the country and without the right to work, refugee women access employment in the informal economy where they are at high risk exploitation and abuse and have no access to legal recourse.

Key Recommendations

- ▶ The Malaysian government must provide refugees in the country with legal status. It should recognize documents issued by the United Nations High Commissioner for Refugees (UNHCR) and stop arresting registered refugees.¹
- ▶ The Malaysian government should also uphold its 2004 commitment to issuing residence and work permits to the Rohingya population.²
- ▶ UNHCR and NGO service providers must develop livelihoods programs that promote cottage industry work

women can do from home that link women to sustainable income. Female headed households and young single women should be targeted for these programs.

Why We Went

The Women's Commission for Refugee Women and Children traveled to Kuala Lumpur, Malaysia in May 2008 as part of a global study to examine appropriate livelihoods for displaced women. The purpose of the trip was to research Burmese refugee women's economic coping strategies and how these strategies affected their vulnerability to gender-based violence. The delegation looked at programs being implemented by the humanitarian community in Kuala Lumpur to identify whether or not livelihoods interventions were supporting refugee women's economic coping strategies. Additionally, the delegation looked at whether or not those interventions include components to prevent and protect against gender-based violence. Finally, the delegation sought to understand how the lack of services provided affected refugee women's survival strategies and impacted their risk of gender-based violence. The delegation met with UNHCR staff, local nongovernmental organizations (NGOs) and refugee women in Kuala Lumpur.

Country Background

Malaysia is host to a large number of migrant workers, refugees and asylum seekers. There are anywhere from 1 to 5 million estimated undocumented workers from the Philippines, Indonesia, Sri Lanka, Nepal, India, Vietnam and Bangladesh.³ Malaysia's growing economy, diverse population, stability and proximity to these countries draw many people seeking increased economic opportunity.⁴ Foreign workers supply a significant percentage of the labor force, particularly in the construction, agriculture and service industries.⁵

There are an estimated 100,000 refugees and asylum seekers in Malaysia, concentrated in Kuala Lumpur and the surrounding regions. Most are Burmese. Forty thousand refugees are registered with UNHCR.⁶ Burmese ethnic groups represented include the Shan, Mon, Karen, Karenni, Chin, Kachin, Arakan and Rohingya. The Chin are the largest refugee ethnic group in Malaysia. Of the registered refugees, 14,000 are Rohingya.⁷

In the eyes of the Malaysian government, there is no difference between an undocumented worker and a refugee. As Malaysia has not signed the 1951 Refugee Convention, refugees have no legal status and no right to work or legal residency. The Malaysian government initiated a widespread campaign to crack down on undocumented migrants in 2004 and since has reported an "intention to deport more than 1 million undocumented migrants"⁸ through mass arrests. This initiative has led, on average, to the arrest of 700-800 UNHCR-recognized refugees each month. Some reports claim that about 100 of those arrested each month are children.⁹

Three distinct enforcement agencies carry out the massive number of arrests: the police, immigration officials and the People's Volunteer Corps, known as RELA. According to numerous reports, the police largely respect UNHCR documentation of refugees. Immigration officials and members of RELA, a government-supported volunteer force tasked to arrest and detain suspected illegal migrants,¹⁰ do not usually recognize UNHCR documentation. In fact, RELA, often referred to as a vigilante group, is responsible for some of the largest raids on refugee communities.¹¹ In 2005, the Malaysian government granted RELA force members the right to "search any public or private premise without a warrant"¹² and to carry firearms.¹³ RELA is well known for using excessive force, violence, sexual harass-

ment and intimidation tactics. From January 2007 to August 2007, RELA conducted 3,925 raids, capturing 45,502 suspected illegal immigrants.¹⁴ In January 2008, RELA was given jurisdiction over the immigration detention centers. The lack of accountability and oversight over RELA's actions further increases refugees' protection risks.

Living costs in Kuala Lumpur are high. Rents average 1,500 Malaysian Ringgit (MYR) (about US\$450) per month but most refugees earn less than MYR 400-600 per month (about US\$120-180).¹⁵ To alleviate the financial burden, several families or people from the same ethnic group live together. Refugees tend to live in downtown areas as they are close to the UNHCR office and in the higher-end commercial districts where refugees with English language skills can find jobs. As they face a high risk of arrest when out in public, proximity to places of work and UNHCR is very important.

Refugees in Kuala Lumpur organize along ethnic lines, establishing "community centers" in apartments where members can go for meetings, information and other activities. These self-help "community centers" are the foundation of the refugees' protection strategy.¹⁶ Community centers are also a major avenue for the groups' communication and contact with UNHCR.

Legal aid to the refugee population is limited to that provided by retainer lawyers with funding from by the Malaysian Bar Council and UNHCR for those registered refugees who are detained, limited education programs, medical assistance, gender-based violence counseling and some mental health services.

Case Study: Yin Yin*



Yin Yin came to Malaysia in July 2006. She fled Burma because of harassment by the military. The "migration agent" suggested she go to Malaysia as it was further from Burma than Thailand. She was told that if she was deported in Malaysia, she would be sent back to Thailand rather than to Burma. It took her two weeks to travel from Burma to Malaysia.

When Yin Yin arrived she was immediately connected to the Chin Community Center through a local church. The center secured her a job as a waitress/dishwasher at a local Chinese restaurant. After about four months, she became pregnant. Despite her condition, the manager began steadily increasing her workload, including requiring her to lift and carry heavy boxes of bottled beverages. She felt she could not complain as she desperately needed the job. One day, while taking a box to the storeroom, the manager followed her and violently attempted to sexually assault her. She fled the restaurant and never returned. She never received payment for her final week of work.

A few months later, Yin Yin and her husband borrowed money from friends for her to give birth in the hospital. She was traumatized after the attempted assault and too afraid to seek further employment. Her husband left Kuala Lumpur to work in construction in another province in order to support them and pay off their debt. Now she and her baby live in a shared bedroom in a community-run shelter. Her husband comes to visit them on the weekends. They are not yet registered with UNHCR. His monthly salary (650 MYR – about US\$195) leaves little room for anything beyond the bare essentials. Yin Yin has been experiencing some post-delivery health problems but they cannot afford to seek medical care.

Yin Yin is still unable to sleep and lives in constant fear of leaving the apartment. She does not want to work as she is afraid of future attacks. She is currently receiving counseling from a local NGO for GBV-related trauma.

** All names have been changed to protect the women and girls whose stories are told.*

The election in March 2008 marked the first major political change in more than 50 years in Malaysia. Opposition members won many seats in parliament. The opposition historically has been much more supportive of civil society and more supportive of refugee issues.¹⁷ Refugee advocates hope this will lead to improved government relations, as support for refugee issues has deteriorated greatly since 2006.¹⁸

What We Learned

"We are afraid. Women are getting attacked and arrested coming home late from work. We have problems not getting paid at work. We are afraid of the police. We are constantly hiding. Our children go hungry when we are not paid."

Focus group with refugee women, May 21, 2008

The Women's Commission found that life for refugee women in Kuala Lumpur is a daily struggle to meet basic needs. Their safety is greatly compromised by their attempts to make a living. Whereas in many contexts, access to livelihoods brings greater protection against sexual harassment, abuse and exploitation, for a refugee woman in Kuala Lumpur, having a job actually increases her vulnerability to gender-based violence, arrest, detention and extortion. As economic support to refugees is minimal or non-existent, refugee women have no choice but to risk their safety in order to provide for themselves and their families. Under these dire circumstances, refugee women are fearful and desperate.

Key Findings

- ▶ **Risk of arrest:** Women risk arrest every time they leave the house. They report a cycle of repeated arrests, frequent deportations and the recurring payment of bribes to be released from custody or to re-enter the country. This affects their livelihoods strategies in many ways. It impedes their movement, narrowing their choices for work and limiting their interactions to mainly within their own communities. They risk arrest not only when leaving to go to and from work but also when leaving to access services offered by UNHCR and NGOs. Those too afraid to leave the house are dependent upon community members and fellow residents for survival.
- ▶ **Limited opportunities to earn a living:** The most common form of employment for refugee women is as waitresses or dishwashers in small restaurants. Those who speak English have slightly better odds of finding higher paid work as an interpreter or in a higher-end sales position. The most vulnerable are female heads of household who cannot leave small children alone while they go to work, those fearing a repeat arrest, young single women and those with disabilities. In many of these situations, women stay in their apartments and cook and clean for male household members, who are generally not related to them but are from the same ethnic group. As many as 25 workers reside in an apartment and cover the rent for a refugee woman who agrees to tend to their domestic needs. Other strategies include commercial sex work and trash picking. All these options put women at high risk for abuse and exploitation.

Case Study: Winnie

Winnie,¹⁹ 15, came to Malaysia with her mother seven months ago. She is not allowed to go to school and stays in the apartment all day long. She has already been arrested twice walking on the street near her apartment. The authorities charged her fees of MYR 50 (about US\$15) and 200 (about US\$60) to be released. She is petrified and has no idea what will become of her future.

- ▶ **Corruption.** Much of the money refugee women are able to make is spent on bribes to authorities and others threatening to report and/or arrest them. The delegation heard many reports of women paying monthly “fees” to law enforcement officials to prevent arrest. While in detention, bribes are also extracted for the release of refugee women.
- ▶ **Risk of trafficking.** Refugee women reported paying large fees (MYR 2000-3000 – about US\$600-900) to “officers” at the border when deported to “facilitate” their re-entry into Malaysia.²⁰ Many reported that those unable to pay bribes to authorities are being trafficked at the border to work on fishing boats or in the commercial sex trade.²¹ This claim was made repeatedly in focus group sessions with refugee women. It was further investigated and corroborated by a Chinese news program entitled “Refugees for Sale.”²²
- ▶ **Vulnerability to gender-based violence (GBV) is constant.** Refugee women’s limited economic opportunities and lack of legal status make them more vulnerable to domestic abuse, abuse at the workplace and abuse

Case Study: Moe

Moe, a mother of four, came to Malaysia in 2007. She traveled overland with her seven-year-old developmentally disabled daughter and sent for her other children later. Her husband joined them in October of 2007. They moved into a shared apartment with other members of the Kachin community. Her husband found employment but fell ill shortly after arriving and had to stop working. In desperate need of work, Moe accepted a job as a waitress in a restaurant farther out of the city for MYR 550 (about US\$165) per month.



One day while she was waiting at a bus stop with her daughter, RELA raided the area, rounded up more than 100 people and took them to a nearby RELA station. Moe and her daughter were rounded up despite the fact that she held a UNHCR registration card. They were forced to sit on the concrete floor until midnight while RELA checked everyone’s passports. After midnight, they were all taken to a holding center. They were all detained in one hall and the women were forced to sleep on the floor together. They were each given a very thin blanket.

The following morning, they were taken to the main detention camp. RELA strip-searched the women and berated them with screams and accusations. Moe’s daughter was terrified.

Moe and her daughter were detained for almost three months. They were forced to sleep on the cement floor among other female prisoners. They were not granted outside access unless a visitor came. In detention they endured insects, mosquitoes, nightly head counts that would last for hours and irregular food distribution. Moe’s daughter was highly agitated during this time and found it difficult to stay still. RELA officers and fellow prisoners frequently screamed at the young girl. Unable to take care of her hygiene needs, Moe’s daughter required diapers, which were seldom provided. UNHCR advocated on her behalf and after two months and 19 days, they were released. UNHCR met them upon release and gave them 50 MYR (about US\$15) to return home. Today, Moe is too afraid to seek work and risk arrest again. She has regular nightmares about the experience and is concerned for her daughter. She does not ever want to leave her alone again. Her husband is older and finding it increasingly difficult to find employment, except occasional work as a day laborer. When he is able to procure a temporary job and they receive NGO food donations, they can subsist. However, these times are increasingly rare. If things continue in this way, Moe fears she will have to let her older children work. “They are my last hope. They are 13 and 15. I do not ever want to have to do this, but I don’t know what else to do.”²³

while in detention. Claims of GBV were widespread among refugee women and the NGOs supporting them, particularly on the part of employers sexually harassing women on the job and firing them without pay if they protested.²⁴ UNHCR has de-emphasized the previous automatic link to registration and priority processing of those with GBV claims as a result of very high numbers of reporting. Instead they have contracted with local NGOs to provide legal, psychological, and medical assistance.²⁵

- ▶ **Resettlement is a durable solution for many Burmese refugees.** The more recently arrived Burmese populations (Chin, Mon, KaChin, Shan, Karenni, Karen) have opportunities for eventual resettlement. Resettlement is currently not an option for the Rohingya population, although some with extreme vulnerabilities are considered. 5,597 refugees were resettled from Malaysia in 2007.²⁶ The United States received the majority of the population at 4,131.²⁷ Other receiving countries included Australia, Canada, Denmark, Norway, New Zealand, and Sweden.²⁸ The pool of resettlement countries has recently expanded with the Czech Republic providing resettlement options for refugees in Malaysia in 2008. Interviews for resettlement and the processing of refugees for resettlement appear to run smoothly and efficiently. Some are concerned that the high numbers of those accepted for resettlement will result in a “pull factor,” attracting more refugees to Malaysia. In terms of livelihood strategies, skill building in sectors relevant in resettlement countries is greatly needed.
- ▶ **The Rohingya population is particularly vulnerable.** The Rohingya began to settle in Malaysia in the early 1990s as they fled systematic human rights abuses in the northern Arakan state in Burma.²⁹ As Muslims with distinct cultural practices different from the Buddhist and Christian Burmese refugees from states further south, they are seen as a distinct population. Since their arrival, they have received limited support from UNHCR and local NGOs. There has been intermittent communication on behalf of UNHCR and Rohingya community leaders with the Malaysian government on local integration, including a legal right to work, access to education and residency through a special work permit card but to no avail. The government has not yet fulfilled its commitment to grant work permit cards to the Rohingya made in 2004.

As the Rohingya have been prevented from attending Malaysian schools, they are now entering the second or third generation without an education. As a result, many are forced to do unskilled labor such as trash picking and grass cutting to survive. While UNHCR recently provided funding for five Rohingya community

Case Study: Yamin



“In Burma I paid money to study English. Here, English feeds my stomach,” says Yamin, one of the few refugee women the delegation met who had secured safe employment.³⁰ She works with her sister and a few other young Burmese refugee women in an upscale café in a luxury mall owned by Malaysian. The café owners allow the young women flexibility and give them permission to leave work for appointments with UNHCR and NGOs. If an immigration raid occurs, they hide the refugee employees, risking arrest themselves. They hire refugees because they work hard and speak good English. “Those who do not speak English have a very hard time finding a job,” says Yamin.

Yamin’s English skills also helped her to get a job as translator at an NGO serving refugees. She and her sister worked as dishwashers when they first arrived in Malaysia. However, after being sexually harassed by their boss, the sisters left. Between the job at the upscale café and her work as an NGO translator, Yamin is able to make a livable, though minimal, wage.

schools, it will take time for this to have any impact on skill levels. The Rohingya in Malaysia are unlikely to be resettled anytime soon as there are an estimated 20,000 Rohingya still living in refugee camps in Bangladesh who would be first priority should the international community take on their cause. Rohingyas in Malaysia³¹ are particularly vulnerable and, in fact, immigration authorities continue to arrest them as “illegal migrants.” The Rohingya require a different protection and durable solution strategy focused on helping promote their legal status and supporting sustainable livelihoods interventions.

- ▶ **Programs training women to produce handicrafts are not leading to sustainable economic opportunity.** The Women’s Commission visited several livelihoods projects designed to teach women to make handicrafts such as jewelry, handbags and decorative mats. While some of these projects offer limited skills training and occasional income generation, they are neither sustainable nor market-based. Refugee women do not appear to have much of an active role in these interventions, as they cannot actually sell the crafts they produce without facing a great risk of arrest. These interventions depend upon the expatriate volunteer community to sell the items through Christmas bazaars, friends’ networks and other charity functions. As volunteers come and go, sales are unpredictable. In light of the legal and market restrictions facing refugee women, handicraft interventions do provide a much-needed form of social support and stimulation. However, in order for the interventions to address the refugees’ economic needs, direct market linkages and higher quality products are necessary.

Recommendations

- ▶ **The Malaysian government must:** provide refugees in the country with legal status; institute refugee status determination procedures³²; recognize UNHCR-issued documents and stop arresting registered refugees³³; and uphold its 2004 commitment to issuing work permits to the Rohingya population.³⁴
- ▶ **UNHCR and partnering NGOs should develop livelihoods programs for refugee women that:**
 - ◆ recognize the risk women undertake when travelling to program sites. Sites should be convenient and as protected as possible;
 - ◆ provide child care services;
 - ◆ promote cottage industry work women can do from home or in other locations of their choice. Having the ability to work from home would alleviate the widespread fear of arrest and harassment as well as the frequently reported need to lock children, unable to attend school, in the apartment while mothers go to work;
 - ◆ link women to sustainable income;
 - ◆ prepare women for opportunities in resettlement countries;
 - ◆ link to community-based GBV prevention/protection initiatives.

Notes

- ¹ Migration Working Group, *Information for Parliamentarians Relevant to the Treatment of asylum Seekers, Refugees, and Stateless Persons*, May 22, 2008.
- ² Ibid.
- ³ Interview with UNCHR. See also International Federation for Human Rights, No. 489/2, *Undocumented migrants and refugees in Malaysia: Raids, Detention, and Discrimination*, March 2008.
- ⁴ International Federation for Human Rights, No. 489/2, *Undocumented migrants and refugees in Malaysia: Raids, Detention, and Discrimination*, March 2008.
- ⁵ Ibid.
- ⁶ Interview with UNHCR, May 26, 2008.
- ⁷ Interview with UNHCR, May 27, 2008.
- ⁸ Joint NGO Memorandum Concerning the Crackdown on Undocumented Migrants, January 29, 2005.
- ⁹ Migration Working Group, *Appeal: Protect Asylum seekers, Refugees and Stateless Persons from Burma*, May 22, 2008.
- ¹⁰ Human Rights Watch, Country Summary: Malaysia, January 2008.
- ¹¹ Ibid.
- ¹² Ibid.
- ¹³ A Memorandum on Proposed RELA Bill Submitted to Parliament 6 December 2007 by the Civil Rights Committee of Kuala Lumpur and Selangor Chinese Assembly Hall; Suara Rakyat Malaysia; TENAGANTIA; and Persatuan Kebangsaan Hak Asasi Manusia Malaysia.
- ¹⁴ Migration Working Group, *Information for Parliamentarians Relevant to the Treatment of asylum Seekers, Refugees, and Stateless Persons*, May 22, 2008.
- ¹⁵ Interview with Migration Working Group, May 21, 2008.
- ¹⁶ Ibid.
- ¹⁷ Ibid.
- ¹⁸ Interview with UNHCR, May 26, 2008.
- ¹⁹ Interview with “Winnie,” May 21, 2008.
- ²⁰ Focus group with 20 refugee women, May 21, 2008.
- ²¹ Ibid.
- ²² “Refugees for Sale,” NTV7, Episode 45, aired May 2, 2008.
- ²³ Interview with “Moe,” May 24, 2008.
- ²⁴ Focus group with 20 refugee women, May 21, 2008.
- ²⁵ Interview with UNHCR, May 26, 2008.
- ²⁶ Interview with UNHCR, August 28, 2008.
- ²⁷ Ibid.
- ²⁸ Ibid.
- ²⁹ Interview with UNHCR, May 27, 2008.
- ³⁰ Interview with “Yamin,” May 25, 2008.
- ³¹ Interview with UNHCR, May 27, 2008.
- ³² Migration Working Group, *Information for Parliamentarians Relevant to the Treatment of asylum Seekers, Refugees, and Stateless Persons*, May 22, 2008.
- ³³ Ibid.
- ³⁴ Ibid.

All photographs by Women’s Commission for Refugee Women and Children/Lauren Heller.

For more information on the Women’s Commission’s work on livelihoods, visit http://www.womenscommission.org/projects/protection/self_sufficiency.php



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