

MALAYSIA



| Operational highlights |

- In 2010, UNHCR registered almost 26,000 people, some 9,500 of them through an innovative mobile registration programme, and conducted refugee status determination (RSD) for more than 23,200 applicants. The numbers of persons of concern in the country stood at over 80,600 refugees and approximately 11,130 asylum-seekers.
- UNHCR made some 350 visits to detention facilities, leading to the registration of almost 1,800 asylum-seekers and the release of over 3,800 individuals.
- Primary health care clinics supported by UNHCR helped many refugees, who normally do not have access to public facilities. With the addition of a second clinic that was established during the year, these clinics were able to offer more than 24,700 consultations, an increase of 30 per cent from the previous year.
- UNHCR's Social Protection Fund supported more than 120 projects run by refugee communities. Through this programme, an estimated 20,000 individuals benefited from schools, community centres, recreation facilities, day care services, credit facilities and shelter.
- More than 12,600 refugees were submitted for resettlement.

| Working environment |

Malaysia continued to be a challenging environment in which to provide protection for refugees and asylum-seekers. The country is not party to the 1951 Refugee Convention or its Protocol and lacks a legislative and administrative framework to address refugee matters. With a migrant population of some 4 million individuals, an estimated half of whom are illegal, the Malaysian Government implements stringent policies to deter undocumented migrants. As refugees and asylum-seekers are not distinguished from undocumented migrants under Malaysian law, they are also vulnerable to the same penalties, including arrest, detention and deportation.

Given the lack of legal and administrative provisions for refugees in Malaysia, UNHCR performs all activities related to the reception, registration, documentation and status determination of one of the world's largest urban populations of asylum-seekers and refugees. This population continued to grow in 2010, due to the large-scale registration of asylum-seekers who had been in the country for many years without documents, as well as to new arrivals. The vast majority of refugees and asylum-seekers who arrived in Malaysia in 2010 were from Myanmar, particularly ethnic minorities. As refugees lack access to sustainable livelihoods and formal education in Malaysia, UNHCR worked with NGOs to support health, education and community empowerment programmes.

Malaysia also hosts stateless people and others, who are of concern to UNHCR. In Peninsular Malaysia, there are an estimated 40,000 stateless Tamils, who were originally from India, whilst in the province of Sabah, there are about 80,000 Filipino Muslim refugees, for whom the Malaysian Government has assumed protection responsibilities. Among the Filipino refugees, there are an estimated 10,000 undocumented children, who may be at risk of statelessness.

Achievements and impact

Main objectives and targets

In 2010, UNHCR aimed to ensure that asylum-seekers and refugees were protected against *refoulement*, unwarranted detention and all forms of violence and abuse, including sexual and gender-based violence. Access to fair and efficient registration and refugee status determination (RSD) procedures for people of concern was a key objective; so was the development of a legal and administrative framework to provide a basic set of rights for asylum-seekers and refugees.

UNHCR sought to strengthen the network of stakeholders within Malaysian civil society who advocate and provide higher standards of support for refugees and asylum-seekers, particularly the most vulnerable among them, such as women and children. The Office also planned to develop and implement a comprehensive durable solutions strategy for all persons of concern in Malaysia, as well as to mobilize the Government and civil society to address statelessness.

Favourable protection environment

- UNHCR maintained a positive relationship with the Government of Malaysia in 2010 and continued to see incremental improvements in the treatment of people of concern. The reduction in forcible deportations that was first observed in 2009 continued throughout 2010. UNHCR also saw improvements in vital areas, such as access to detention, and was able to intervene successfully

to obtain the release of asylum-seekers and refugees from custody.

- In addition, UNHCR focused on advocacy related to statelessness and building the capacity of two national NGOs working in this area. Efforts to gather data on statelessness contributed to a better identification of the size and nature of the phenomenon in Malaysia.

Fair protection processes

- Some 26,000 people were registered by UNHCR during the year. An increase in mobile registration exercises meant that more people of concern were documented, thereby reducing their risk of arrest. Refugee status determination (RSD) also remained a primary activity of UNHCR, which adjudicated some 23,200 cases during the year.

Security from violence and exploitation

- Improved working relations with the Government contributed to reductions in the rate of arrest of asylum-seekers and refugees, coupled with an increase in the rate of release of people of concern. Following UNHCR's interventions, some 3,800 people were released from detention, while over 1,000 were released, based on identity verification through telephone calls from law enforcement officials to UNHCR's Protection Hotline.
- Child protection remained a priority throughout the year. UNHCR conducted over 800 Best Interest Determination (BID) assessments for unaccompanied and separated minors and children at risk of abuse and increased efforts to provide follow-up protection and care.
- Programmes to address sexual and gender-based violence were strengthened through community mobilization. Training sessions targeted more than 90 community leaders, including some 30 female refugee leaders, in order to reach a population of 12,000 people of concern. All known survivors of sexual and gender-based violence received medical assistance, counselling and shelter.

Persons of concern

Type of Population	Origin	Total	Of whom assisted by UNHCR	Per cent female	Per cent under 18
Refugees	Myanmar	76,100	76,100	30	21
	Sri Lanka	2,300	2,300	23	13
	Somalia	800	800	48	35
	Various	1,400	1,400	30	21
People in a refugee-like situation	Indonesia	800	800	100	-
	Various	60	60	100	1
Asylum-seekers	Myanmar	8,600	8,600	24	10
	Sri Lanka	1,700	1,700	21	8
	Somalia	200	200	44	22
	Iraq	190	190	40	36
	Islamic Rep. of Iran	120	120	33	19
	Thailand	100	100	41	33
	Various	470	470	25	11
Stateless¹	Tamils in Malaysia	40,000	-	-	-
Others of concern	Filipino Muslims	80,000	-	-	-
Total		212,840	92,840		

¹ Figure includes one individual from the Czech Republic and an estimated number of individuals who are stateless including people who are unable to establish their nationality from among the Indian community (Tamils). Estimate is based on NGO and media reports, some citing official sources.



Afghan teenage refugee girls perform during World Refugee Day celebrations in Kuala Lumpur.

UNHCR / M. KHO

Basic needs and services

- Significant progress was made in improving access to education and the standard of teaching through training and the introduction of a stipend scheme for trained teachers. As a result, there was a marked increase in participation in education programmes, with almost 5,000 children enrolled in pre-school and primary education, a doubling of the 2007 figure.
- Access to affordable health care remained a priority. Primary health care clinics supported by UNHCR filled a major gap for many refugees in the Klang Valley. A second clinic was established in 2010 and consultations increased by 30 per cent from 2009, to reach a total of over 24,700 individuals at both clinics. Three clinics under the Family Planning Association provided sexual- and reproductive-health services to over 2,300 men and women, and an additional 9,500 people through outreach services.
- Community health workers reached out to some 60,000 people of concern, providing health education and information on accessing health care. More than 570 home visits were conducted for the benefit of 330 people living with HIV during the year, while some 1,700 people with specific needs benefited from short-term cash assistance.

Community participation and self-management

- In 2010, UNHCR significantly increased support to refugee communities through direct disbursements from the Social Protection Fund. The Fund has provided small-scale grants for more than 120 projects run by refugee communities in the areas of skills training, income generation, community development and services. Many of the projects provide social amenities such as community centres, sports and recreation halls, credit facilities, day care services, schools, shelter and technological assistance.

- It is estimated that some 20,000 individuals have benefited from the Fund, including over 160 refugee women who took part in a new livelihoods programme aimed at developing cottage industry and small-scale businesses. More than 1,300 refugees participated in English-language, baking, beading, IT and youth-mentoring classes organized by UNHCR.

Durable solutions

- Resettlement in third countries remained the only viable solution for many refugees in Malaysia. In 2010, UNHCR submitted more than 12,600 individuals for resettlement.

External relations

- Media relations were strengthened and utilized to encourage positive reporting on refugee issues. Some 60 media briefings, interviews and interventions were conducted for this purpose. Public awareness events centered on World Refugee Day, and included a two-day event at the Kuala Lumpur Central Station which attracted thousands of visitors. Public information on refugees was also made available through the use of online and social media tools.

| Constraints |

Although there were some positive developments in 2010, the Government is hesitating to put into place policies that could provide more consistent protection for people of concern to UNHCR. The lack of a domestic legal and administrative framework for the protection of refugees remains the main challenge. The absence of government mechanisms to receive, register, document and conduct RSD means that UNHCR will continue to perform these functions for one of the world's largest urban-refugee populations.

Financial information

Despite a modest increase in budgets and expenditure over the past few years, a significant rise in the number of people of concern has led to a gap between the needs of the population and the resources available to address them. As a result, at least 15,000 asylum-seekers were not registered. In addition, the backlog for RSD remains at over 11,000 people, and for BID at more than 1,000 unaccompanied children. Furthermore, more than 5,000 people remained in need of resettlement.

Lack of resources also prevented the expansion of health services beyond the existing two clinics, which serve 16,000 of the 90,000 persons of concern. Some 800 refugees in need of surgical interventions were prioritized for assistance, although the actual needs went beyond 2,000 people. It was possible to assist NGO partners to provide education for only 1,000 refugee children, while the total number of school-aged children stood at more than 13,000. Refugee-community schools, and a programme to address the educational and psycho-social needs of more than 5,000 children aged 13 to 17, did not receive enough support.

Finally, funding constraints meant that microcredit and skills training were provided for less than 500 people, although tens of thousands were in need of them.

Organization and implementation

In 2010, UNHCR had a total of 135 employees, comprising 11 international staff, 45 national staff, one JPO, five international UNVs, and 73 UNOPS staff members. This substantial work force was needed to carry out operational activities in registration, refugee status determination, protection monitoring, assistance to meet basic needs, and durable solutions.

UNHCR's presence in 2010

□ Number of offices	1
□ Total staff	135
International	11
National	45
JPOs	1
UNVs	5
Others	73

Working with others

Improved working relations with the Government resulted in significant achievements, benefiting people of concern to UNHCR. Indeed, a key element in UNHCR's country strategy was its expansion of cooperation with a range of stakeholders including the Government, civil society, NGOs and UN agencies. The Office took steps to engage NGOs in broadening assistance programmes to cover populations of concern. Coordination with NGOs was also improved,

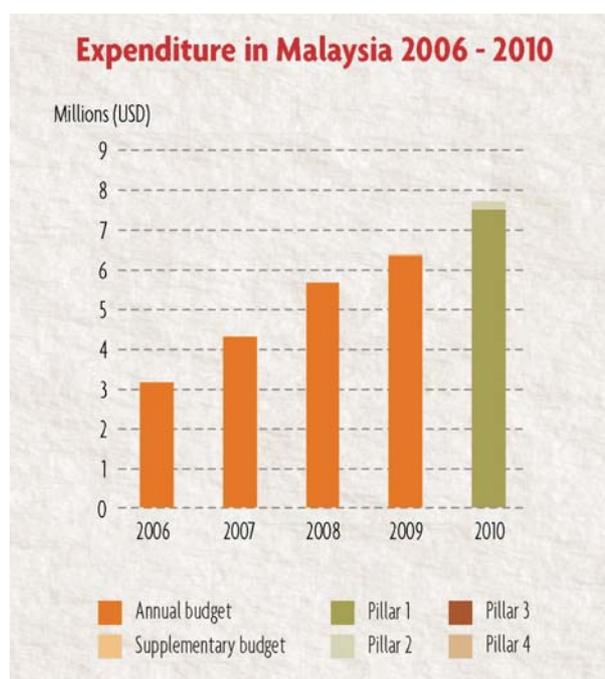
particularly in the areas of education and health, through their involvement in UNHCR's planning processes.

Overall assessment

UNHCR continued to engage the Malaysian Government in a constructive manner, taking advantage of opportunities to expand the humanitarian space for refugees by suggesting solutions that were humanitarian, practical, creative and aligned with the political and social interests of Malaysia. Although no new policies were introduced during the year, UNHCR and the Government had positive discussions, within the context of migration management, on the possibility of allowing refugees to stay and work in Malaysia.

Considering the sizeable urban asylum-seeker and refugee population in Malaysia, UNHCR's efforts in recent years towards registering, conducting RSD and providing basic services have significantly improved the protection environment, particularly with regard to access to essential services. These achievements are the result of good relations with government agencies and the efforts of NGOs, civil society and refugee communities.

Partners	
Implementing partners	
NGOs: Harvest Centre Berhad, Humana, Kumpulan ACTS Sdn Bhd, Malaysian Care, Partnership in Enterprise, Taiwan Buddhist Tzu-Chi Foundation, TECH Outreach, Wadah/Future Global Network	
Operational partners	
NGOs: Federation of Reproductive Health Associations, Health Equity Initiative, Mercy Malaysia, Soroptimist International Johor Bahru, Womens' Aid Organisation	
Others: UNFPA, UNICEF, WHO	



Budget, income and expenditure in Malaysia | USD

	PILLAR 1 Refugee programme	PILLAR 2 Stateless programme	Total
FINAL BUDGET	14,151,108	188,851	14,339,959
Income from contributions ¹	949,482	0	949,482
Other funds available	6,540,113	186,749	6,726,861
TOTAL FUNDS AVAILABLE	7,489,594	186,749	7,676,343
EXPENDITURE BREAKDOWN			
<i>Favourable protection environment</i>			
International and regional instruments	34,372	0	34,372
National legal framework	34,372	0	34,372
National and regional migration policy	34,372	0	34,372
Prevention of statelessness	10,082	171,146	181,229
Public attitudes towards persons of concern	34,372	0	34,372
<i>Non-refoulement</i>	34,372	0	34,372
Subtotal	181,941	171,146	353,087
<i>Fair protection processes and documentation</i>			
Registration and profiling	406,900	0	406,900
Fair and efficient status determination	864,352	0	864,352
Individual documentation	28,826	0	28,826
Civil status documentation	28,826	0	28,826
Subtotal	1,328,904	0	1,328,904
<i>Security from violence and exploitation</i>			
Impact on host communities	23,320	0	23,320
Community security management system	23,320	0	23,320
Gender-based violence	32,432	0	32,432
Protection of children	87,211	0	87,211
Freedom of movement	23,320	0	23,320
Non-arbitrary detention	235,388	0	235,388
Access to legal remedies	38,819	0	38,819
Subtotal	463,811	0	463,811
<i>Basic needs and essential services</i>			
Primary health care	409,832	0	409,832
HIV and AIDS	270,485	0	270,485
Education	361,053	0	361,053
Services for groups with specific needs	488,632	0	488,632
Subtotal	1,530,002	0	1,530,002
<i>Community participation and self-management</i>			
Participatory assessment and community mobilisation	57,042	0	57,042
Community self-management and equal representation	157,237	0	157,237
Self-reliance and livelihoods	502,945	0	502,945
Subtotal	717,225	0	717,225

	PILLAR 1 Refugee programme	PILLAR 2 Stateless programme	Total
<i>Durable solutions</i>			
Durable solutions strategy	246,957	0	246,957
Resettlement	667,083	0	667,083
Local integration support	291,785	0	291,785
Subtotal	1,205,824	0	1,205,824
<i>External relations</i>			
Donor relations	19,205	0	19,205
Partnership	115,033	0	115,033
Public information	28,239	0	28,239
Subtotal	162,477	0	162,477
<i>Logistics and operations support</i>			
Programme management, coordination and support	683,525	15,602	699,127
Subtotal	683,525	15,602	699,127
Instalments to implementing partners	671,544	0	671,544
Other objectives	544,342	0	544,342
Total	7,489,594	186,749	7,676,343

¹ Income from contributions includes indirect support costs that are recovered from contributions to Pillars 3 and 4, supplementary budgets and the "New or additional activities – mandate-related" (NAM) reserve. Contributions towards all pillars are included under Pillar 1.