

Time to resolve Indian Malaysians statelessness

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I refer to the recent controversy generated by the protest of some 200 Malaysians of Indian origin outside Parliament demanding the blue MyKad that would certify them as citizens.

While the actual number is subject to "guesstimate" - a not uncommon challenge having regard to the nature of the problem, whether the number is 30,000 or 300,000 should not be the issue.

One should always bear in mind that statelessness is normally a hidden phenomenon, lacking in reliable data.

Instead, there should be acceptance that there are stateless communities with genuine and effective links with Malaysia - and that these people have rights under Malaysian and international laws and norms including freedom from discrimination, the right to a nationality and its accompanying rights and duties.

NONE While these people of Indian origin are not denounced as non-citizens by the authorities, they are nonetheless stateless as they are not considered citizens under the operation of law.

It would come to no surprise that the majority of those who protested are rubber plantation workers or their descendants who have lived a life of exploitation and continue to suffer from government neglect and institutionalized discrimination that are well documented elsewhere.

Suffice to say many continue to live in poverty, remain poorly educated and skilled, trapped and with no means to acquire a better living and existence.

As a consequence, some Indian children are not properly registered after birth, leading to the inability to acquire the MyKad although some may acquire the red permanent resident card.

There are myriad and overlapping reasons: parents' own uncertain citizenship status and lack of documents, poverty, birth at home, abandoned children, unregistered marriages, ignorance, apathy, and fear of authorities and fines due to delay in registration.

Born, bred here, not citizen

Without the MyKad, these bona fide Malaysians have difficulties in fully accessing the rights and services that ordinary citizens enjoy or take for granted despite being born and permanently residing in the country all their lives.

These rights and services include better education, health care, employment and business, housing and property ownership, social security, freedom of movement, political participation and voting rights, holding of passport - all of which lead to serious social problems and the cycle of statelessness handed down to the next generation.

There is a serious lack of concern and care by the government and its agencies over these issues.

There are only small scale initiatives by concerned civil society organizations and political parties who raise awareness among the communities affected and assist in their application for birth certificates and identity cards.

There is no genuine government effort to register the affected communities nor is there any special procedure provided to facilitate their registration despite knowing the historical inequities and the context

of their present circumstances.

These "problematic" applications are treated on a case by case basis, usually hampered by administrative obstacles, burdensome requirements, long delays, requiring repeated visits and interviews.

Even then, these cases are rarely resolved despite fulfilling the general citizenship requirement i.e. for a person born in the country after Malaysia Day whose at least one parent is a citizen or permanent resident; or who is not born a citizen of any country.

For the older members of the community who failed to take steps to acquire citizenship before Merdeka, or were born after Merdeka (but before Malaysia Day), surely they are now more than entitled to a liberal reading of the citizenship provisions and be accorded citizenship whether via operation of law or naturalization.

Rather than be distracted by the accompanying politics and expected controversy surrounding citizenship issues or quibbling over numbers, or worse - saying that it's too "sensitive" to do anything - let's use this opportunity to discuss and start resolving statelessness affecting the Indian community and also other communities, among others, people of Filipino refugee descent in Sabah and undocumented Orang Asli and Asal.

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