

**Joint Action Group for Gender Equality**  
Press Statement, 18 May 2015  
**Malaysia must act now to save human lives,  
protect victims of trafficking**

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We are appalled at the impending loss of life, trauma and serious human rights violations affecting the thousands of trafficked migrants, stateless persons and refugees now being ping-ponged by sea between Thailand, Malaysia and Indonesia. This is a human crisis of epic proportions, taking a devastating toll on the women, men and children still on the boats. Malaysia must act now to save and protect human lives.

This human crisis is spiraling due to government inaction. All three countries are simply eyeballing each other and none are willing to act with the immediacy that the situation demands: allow the people to disembark and provide them emergency aid. The three countries including Myanmar must take responsibility by doing what is the most needed for the victims of trafficking.

We must show respect for human lives, for human dignity and human rights. The inaction demonstrates an unforgiveable disregard for the time honored international obligation, as codified by the United Nations Convention of the Law of the Sea, to rescue distressed people at sea and to extend protection to people fleeing persecution. These obligations are enshrined as binding on all countries.

As a state party, we remind Malaysia of CEDAW's General Recommendation 32, which requests state parties to "recognize that trafficking is part and parcel of gender-related persecution, with the result that **women, girls and children who are victims of trafficking or who fear becoming victims should be informed of and effectively enjoy the right of access to asylum procedures without discrimination or any preconditions.**"

Victims of trafficking have the right to care and protection guaranteed under our Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007. We recognize the initiatives to

identify and prosecute traffickers and to demolish their criminal syndicates. Yet, under our laws, these initiatives must be victim-centered and ensure victims of trafficking are treated humanely and accorded their due rights. The conditions on the boats, the coercion, abandonment and horrific abuses committed by the traffickers are being increasingly documented through interviews with survivors. It places all people on the boats squarely within the protections guaranteed victims under our Anti-Trafficking in Persons legal framework. We must activate the Act's victim-centered care and protection systems with a rights based approach as a matter of priority.

The people who embarked on this dangerous journey are not criminals. Many of them are in search of protection from persecution. Instead, they have been exploited and abused by trafficking syndicates for profit. In these boats are many women, men and children who have already felt the bitterness of protracted and serious violations of their fundamental rights in Myanmar, and the violations have continued to be heaped on them throughout their journey in search of protection. 10 person have already died in the boat with no water and food. It must end now.

This human crisis confronts three key ASEAN member states at a time when ASEAN has declared itself people-oriented and people-centred, and has asserted a commitment to promote and protect human rights and respect for fundamental freedoms.

In times such as this, it is crucial for the member states to look pass the non-interference policy that exist within ASEAN, so they can come together to look into solutions to address this heinous crime of human trafficking – a crime against humanity. Ultimately, this is a critical test whether ASEAN is truly able to live up to its commitments.

The Joint Action Group for Gender Equality (JAG):

Women's Aid Organisation (WAO)

Tenaganita

Women's Centre for Change (WCC) Penang

All Women's Action Society (AWAM)

Association of Women Lawyers (AWL)

Persatuan Kesedaran Komuniti Selangor (EMPOWER)

Sisters in Islam