

STOP THE AMENDMENTS AND REPEAL THE DESTITUTE PERSONS ACT 1977
Media Statement, 8 December 2014

The Destitute Persons Act 1977 (DPA 1977) today is the legacy of the failed British measure to address homelessness by means of arrest and detention. It is evident that even after more than 140 years, homelessness and poverty still exist. The approach taken by the colonial government of the 19th century was ineffective then, and remains ineffective today.

Under the DPA 1977, persons deemed to be “destitute” can be arrested, investigated and detained up to 3 years at welfare homes (detention centres), which detention may be extended for a further 3 years by the Order of the Magistrate. Persons who are homeless and poor are also at risk of imprisonment if deemed to be “resistant” during arrest or found to have breached strict rules imposed by welfare homes, rules akin to the now defunct restricted residence clauses.

Persons who are homeless and poor are being penalised for the State’s structural deficiencies. In other words, being “destitute” is a criminal offence in Malaysia. We are gravely concerned on the Minister of Women, Family and Community Development and Minister of Federal Territories’ intention to table amendments to the DPA 1977 with a view to criminalise acts deemed to be begging and to review laws and regulations to provide police-like powers to welfare officers in apprehending members of the community.

We urge the Ministry of Women, Family and Community Development, the Ministry of Federal Territories and all lawmakers to stop the said amendments and hold an inclusive Town Hall consultation with the community, the single most important stakeholder. **We firmly believe** that the DPA 1977 should be repealed and existing policies, rules, regulations and powers of relevant agencies be revised to widen the scope of the same to empower and uplift the quality of lives of the community.

We hereby call upon the government to uphold the spirit of the promised consultation and hold the same without any further delay. In the absence of such consultation, any decisions or steps taken to amend the DPA 1977 will extinguish all commitments, hopes and promises made by the government to the community. The “*Rakyat DiDahulukan, Pencapaian DiUtamakan*” motto must not ring hollow especially when all stakeholders are at the critical juncture where the possibilities of identifying and addressing the issues are real.

Released by:
Persatuan Kesedaran Komuniti Selangor (EMPOWER)

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1. Dapur Jalanan Kuala Lumpur
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9. Suara Rakyat Malaysia (SUARAM)
10. Tindak Malaysia
11. All Women's Action Society (AWAM)
12. Perak Women for Women Society (PWW)
13. Persahabatan Semparuthi
14. Malaysian Against Death Penalty and Torture (MADPET)
15. Borneo's Plight in Malaysia Foundation
16. Society for the Promotion of Human Rights (Proham)
17. Kuala Lumpur and Selangor Chinese Assembly Hall Youth Section
18. Women's Centre for Change, Penang (WCC)
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