

Article 1.
All human beings are born free and equal
in dignity and rights.



**International Migrants' Day 2009: FIDH, CARAM Asia and Suaram call on Malaysia
to ratify the United Nations Convention on Migrant Workers**

Open Letter to his Excellency Yang di-Pertuan Agong, Malaysia

Paris, Kuala Lumpur, 18 December 2009

Your Excellency,

As we mark International Migrants' Day, we are writing to you to urge your government to take immediate steps to increase the protection of migrant workers in your country. One year from now we will mark the 20th anniversary of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC). The MWC is the cornerstone of international protection of migrants' rights. As yet, Malaysia has not ratified this core United Nations instrument. Today, we call upon you to do so, thereby demonstrating your commitment to end the daily violations and exploitation suffered by migrant workers.

Today, more than 200 million persons are migrants, representing nearly 3% of the world population. The phenomenon of migration is a complex and global one. All countries around the world are affected by migration either as origin, destination or transit countries and thus all states are confronted with the challenges of developing effective migration policies with human rights at their core.

Although, for many, migration is a positive experience, many others migrate under duress and face severe hardships in their countries of destination. Migrant workers all over the world remain particular targets of abuse, discrimination and exploitation by traffickers, smugglers and employers. Yet an instrument is at your government's disposal to minimise this and to strengthen their legal protection.

The MWC recognises the specific vulnerabilities of migrant workers and promotes humane and lawful working and living conditions and the need for increased protection. It provides guidance on the elaboration of migration policies, which can only be effective if they are based on legal standards and the rule of law. The MWC is a vital part of efforts to combat exploitation of migrant workers and members of their families.

Since its adoption by the United Nations General Assembly in 1990, the 42 states have ratified the MWC. However, in order to become an effective instrument for fighting violations of migrants' human rights, all states, those of departure, transit and destination of migrants, must ratify.

In March 2008, FIDH published the report of an international fact-finding mission in Malaysia on the situation of undocumented migrants, refugees and asylum seekers¹. The study revealed a number of serious concerns, in particular the lack of a coherent national policy on immigration, periodic raids on migrant workers in irregular situations, detention of child migrants and conditions of detention of migrants generally. FIDH's recommendations included the ratification without delay of the MWC.

Pledges to strengthen cooperation with regards to the respect of fundamental rights and dignity of migrant workers and their family within the framework of ASEAN, of which Malaysia is founding member, are to be welcomed. Ratification of the United Nations Convention would significantly reinforce such efforts.

We urge the Government of Malaysia to seize this occasion to ratify the MWC and to send a strong message to the international community of your commitment to the protection of the human rights of all human beings, including migrant persons. We strongly hope that on the occasion of the 20th anniversary of the Convention we can also celebrate its ratification by Malaysia.

We would be very interested to receive your Government's views on the matters raised in this letter and look forward to hearing from you.

Yours sincerely,



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Chairperson, Suaram

Nabeel Rajab
President, CARAM Asia

Cynthia Gabriel
Vice President, FIDH

¹ FIDH Report, « Undocumented migrants and refugees in Malaysia : Raids, Detention and Discrimination »