

Joint Statement: Abolish Destitute Persons Act 1977

**Abolish Destitute Persons Act 1977
Coalition Statement, 8 July 2014**

We, a coalition of non-governmental organisations and groups working on issues of homelessness, call upon the Malaysian Government to abolish the Destitute Persons Act 1977.

Recently, the issue of homelessness has received extensive attention from the media and the public. The marginalisation of the homeless is a long-standing issue, involving laws and policies aimed to ‘rescue’ the community. The newly-announced Operation Qaseh is no different from previous operations, such as Operation Gelandangan. During such operations, the Destitute Persons Act is used to arrest and detain the homeless without trial.

The Destitute Persons Act allows the Government to round-up and forcefully detain the homeless in rehabilitation centres. Detainees are denied legal representation, as well as the opportunity to appeal the Magistrate’s Court, thus permitting the Government to detain them for 30 days minimum and a possible following 3 years. The homeless community are denied the right to choose as to whether their institutionalization is necessary. Those who are in need are not always provided follow-up care.

The statements issued by the Federal Territories Minister Tengku Adnan Tengku Mansor and the Minister of Women, Family and Community Dato’ Hajah Rohani Abdul Karim, clearly illustrate that lawmakers have failed to understand the problems faced by the homeless community. Additionally, no comprehensive consultation was carried out with the community.

The homeless community have been linked to begging syndicates and are often depicted as being lazy and lacking independence. On the contrary, studies have shown that many of the community are currently in employment.

The coalition firmly holds governmental gaps responsible for the presence of NGOs, groups, individuals and welfare centres providing aid, as a response to the societal poverty. It is the Government that is responsible for a system of support and welfare for the homeless. Many groups provide food to persons experiencing poverty, regardless of whether they are homeless or have a place to stay. They are not responsible for the issues of homelessness and unclean cities.

This resulting misunderstanding is reflected in the policies suggested by the two Ministers, such as operations to arrest the homeless. These policies do not resolve structural issues that are faced by the homeless community. Tengku Adnan’s suggested solution to target both food givers and receivers, through the use of criminal law, does not take into account the socio-economic issues faced by the community: it is wrong, inhumane and arrogant. This “savior mentality” type solution aiming to “rehabilitate” members of the community, is merely an effort to hide socio-economic failures and problems.

We affirm that the Government must understand the true context faced by the homeless community. Comprehensive consultations between the Government and the homeless community are necessary, to truly understand their needs and wants, and the root causes of the socio-economic failures that has led to their state of homelessness.

Any laws or policies concerning the homeless must not take place without prior discussion and consultation with the community. It is a requirement on the part of the government, that the community be provided opportunity to suggest solutions and to be an equal and influential decision-maker in the decision-making process.

We remind the Government that efforts to resolve issues of homelessness will inevitably require a great amount of time and patience. The Government cannot avoid discussions with the homelessness community should they truly wish to obtain a thorough understanding.

Once again, we wish to remind the government of Malaysia that the task of resolving the issue of homelessness is no easy road. Criminalising the homeless does not eradicate the issue. Punishment is not the answer.

Endorsed by:

- Brickfields Stakeholders Association
- CFC
- Dapur Jalanan
- Dignity International
- Food Not Bombs Kuala Lumpur
- Kaseh4u
- KL Urban Fellowship
- Institut Rakyat
- Lawyers for Liberty
- Malaysian Indian Education Transformation Association (MIETA)
- The Nasi Lemak Project
- Need to Feed the Need (NFN)
- Pax Romana ICMICA
- Persatuan Kesedaran Komuniti Selangor (EMPOWER)
- Reach Out Malaysia
- Region of Love
- SALT Movement
- Suara Rakyat Malaysia (SUARAM)
- UBUNTU Malaysia

**Mansuhkan Akta Orang-Orang Papa 1977
Kenyataan Gabungan, 8 Julai 2014**

Kami, sebagai satu gabungan badan-badan bukan kerajaan yang prihatin terhadap isu warga miskin kota, menyeru kepada Kerajaan Malaysia untuk memansuhkan Akta Orang-Orang Papa 1977.

Isu-isu warga miskin kota baru sahaja mendapat perhatian dari pihak media dan orang ramai. Namun, secara hakikatnya warga miskin kota sudah lama ditindas oleh undang-undang dan polisi yang digubal atas alasan ingin “menyelamatkan” mereka. Ops Qaseh yang baru diumumkan sebenarnya tidak ada banyak kelainan dari operasi-operasi lama seperti Ops Gelandangan, dimana Akta Orang-Orang Papa digunakan untuk menahan warga miskin kota tanpa bicara.

Di bawah akta ini, Kerajaan diberi kuasa untuk menangkap warga miskin kota dan menahan mereka di dalam pusat pemulihan secara paksa. Mereka tidak mempunyai hak perwakilan undang-undang dan tidak diberi peluang membantah perintah Mahkamah Majistret yang membenarkan Kerajaan menahan mereka selama 30 hari dan 3 tahun kemudian. Warga miskin kota sepatutnya diberi pilihan dan juga tindakan susulan yang sesuai bagi mereka yang perlu.

Daripada kenyataan-kenyataan yang dibuat oleh Menteri Wilayah Persekutuan Tengku Adnan Tengku Mansor and Menteri Pembangunan Wanita, Keluarga dan Masyarakat Dato' Hajah Rohani Abdul Karim, adalah jelas bahawa penggubal undang-undang gagal memahami masalah sebenar warga miskin kota. Malah, tiada sebarang perundingan yang menyeluruh dijalankan dengan komuniti warga miskin kota.

Warga miskin kota dikaitkan dengan sindiket pengemisan dan disifatkan sebagai golongan malas dan perlu belajar berdikari. Walhal, kajian telah menunjukkan bahawa sebenarnya kebanyakan warga miskin kota mempunyai pekerjaan.

Gabungan kami menegaskan bahawa kelemahan Kerajaan dalam menangani isu kemiskinan warga kota adalah punca utama badan-badan kerajaan, kumpulan, individu dan pusat khidmat bantuan lain wujud untuk memikul tanggungjawab yang sepatutnya terletak pada Kerajaan dalam menyediakan satu sistem sokongan dan kebajikan untuk warga-warga miskin kota. Masalah gelandangan dan kekotoran kota tidak berpunca dari pihak-pihak tersebut yang juga memberi makanan kepada warga miskin tanpa mengira sama ada mereka mempunyai tempat berteduh atau tidak.

Akibat salah faham isu sebenar warga miskin kota, dasar-dasar yang diusulkan kedua Menteri tersebut dan operasi penangkapan yang sedang dijalankan tidak akan menyelesaikan masalah struktur yang dihadapi warga miskin kota. Cadangan Tengku Adnan yang berlandaskan hukuman jenayah dalam menangani masalah sosio-ekonomi terhadap pemberi dan penerima bantuan amal ini adalah salah, tidak prihatin dan angkuh. Kaedah ini yang kononnya bersifat “menyelamat” dan “memulih” warga miskin kota hanya tampak seakan-akan untuk menyembunyikan kegagalan dan masalah struktur sosio-ekonomi yang sedia ada.

Kami menegaskan bahawa Kerajaan harus mendalami keadaan sebenar warga miskin kota dan seterusnya mengadakan perbincangan warga miskin kota untuk mengenalpasti keperluan dan kehendak mereka serta masalah pokok kegagalan struktur sosio-ekonomi tersebut.

Sebarang akta atau dasar berkenaan isu warga miskin kota tidak patut dilaksanakan sebelum perbincangan diadakan untuk melindungi dan memperkasakan komuniti ini. Mereka wajib diberi peluang untuk memberi cadangan penyelesaian dan menjadi salah satu pihak sama-rata dan terbesar dalam proses membuat keputusan.

Kami mengingatkan Kerajaan harus sedar bahawa usaha untuk menangani isu kemiskinan kota akan mengambil masa dan kesabaran yang tinggi. Perbincangan dengan komuniti miskin kota dan pemahaman yang menyeluruh adalah wajib dan tidak boleh dielakkan.

Sekali lagi kami ingin memperingatkan kerajaan Malaysia bahawa jangan mencari jalan mudah untuk menangani masalah ini dengan menjenayahkan warga miskin kota. Hukuman bukan penyelesaian!

Disokong oleh:

- Brickfields Stakeholders Association
- CFC
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- Dignity International
- Food Not Bombs Kuala Lumpur
- Kaseh4u
- KL Urban Fellowship
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