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Malaysia: End caning as a punishment against immigrants

Malaysia must immediately stop caning people, a punishment widely used against immigration offenses, Amnesty International said today. Malaysian authorities caned at least 34,923 migrants between 2002 and 2008, according to prison department records aired in parliament last week.

Caning is a form of cruel, inhuman and degrading punishment, prohibited under international human rights law. The practice is humiliating, and causes such pain that people have reportedly fainted. Those caned often carry scars, psychological as well as physical, for years. The severity of the pain and suffering often means that whipping is in fact a form of torture.

Since amendments to the country's Immigration Act came into force in 2002, 47,914 migrants have been sentenced to caning for immigration offences.

Amnesty International urges the Malaysian government to rid the country of this cruel punishment. Whipping someone with a cane is cruel, inhuman and degrading and international standards make clear that such treatment constitutes torture.

According to government records, the majority of those caned were Indonesians (60.2%), with the rest coming from the Philippines (14.1%), Myanmar (13.9%), Bangladesh (3.6%), Thailand (2.8%) and 5.4 percent from other countries, including India and Nepal.

Amnesty International is concerned that in addition to undocumented workers, documented workers whose passports have been withheld by their employers, asylum seekers and refugees are also at risk of being caned.

Amnesty International calls on the Malaysian authorities to repeal all laws providing for whipping and all other forms of corporal punishment. Malaysia should ratify relevant human rights treaties, and in particular the Geneva Convention relating to the Status of Refugees and the Migrant Workers' Convention.

Background

The first caning sentences were imposed under tough anti-immigration law amendments in 2002. The amendments to the country's Immigration Act impose mandatory whipping of up to six strokes of the cane, fines and up to five years imprisonment for foreigners who are in Malaysia illegally.

Undocumented workers are often ignorant of procedures and are themselves often victims of deceit at the hands of migrant worker traffickers or unscrupulous employers. Malaysians and others who employ more than five undocumented workers are now also liable to mandatory whipping and up to five years in jail.

Caning is used in Malaysia as a supplementary punishment for at least 40 crimes even though it contravenes international human rights standards.

Malaysia depends largely on migrant labour in a number of its industries and is currently that largest receiving country of migrant labour in South East Asia. Following recent reports that numerous Indonesian maids were being abused in Malaysia, Indonesian labour minister Erman Suparno said on the 25th June that his country would stop sending domestic helpers to Malaysia.

Public Document

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