

COMMENTARY

MIGRANTS' HOUSING: BRIDGING HUMAN RIGHTS AND SUSTAINABLE DEVELOPMENT GOALS FOR INCLUSIVE COMMUNITIES^{©Σ}

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ABSTRACT

The United Nations issued the Universal Declaration of Human Rights in 1948 and the International Covenant on Economic, Social, and Cultural Rights in 1966. Both recognise the right to an acceptable living standard, which includes appropriate housing. Characteristics of sufficient housing include affordability, habitability, accessibility, location, cultural appropriateness, and access to resources such as services, materials, utilities, and infrastructure. However, housing and migrant settlement challenges have persisted in Malaysia due to a shortage of living space, poor government policies, and societal humiliation. This forces many migrants to live in crowded and unsafe conditions. Surprisingly, compared to other integration initiatives, little attention has been given to the housing component of the integration of regular migrants. This complacency and fragility affect both natives and migrants. The 17 Sustainable Development Goals (SDGs), especially SDG 11: Sustainable Cities and Communities, provide important guiding concepts that support the right to an acceptable standard of life, which includes adequate housing.

Keywords: migrants' housing rights, human rights, Sustainable Development Goals (SDGs).

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KOMENTAR

PERUMAHAN MIGRAN: HAK ASASI MANUSIA DAN MATLAMAT PEMBANGUNAN MAMPAN UNTUK KOMUNITI INKLUSIF

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ABSTRAK

Deklarasi Hak Asasi Manusia Sejagat pada tahun 1948 dan Perjanjian Antarabangsa mengenai Hak Ekonomi, Sosial dan Budaya digagaskan oleh Pertubuhan Bangsa-Bangsa Bersatu (PBB) pada tahun 1966. Kedua-duanya mengiktiraf hak untuk taraf hidup yang boleh diterima, termasuk perumahan yang sesuai. Ciri-ciri perumahan yang mencukupi termasuk keterjangkauan, kebolehdiaman, kebolehcapaian, lokasi, kesesuaian budaya dan akses kepada sumber seperti perkhidmatan, bahan, utiliti dan infrastruktur. Walau bagaimanapun, cabaran perumahan dan penempatan migran telah berterusan di Malaysia disebabkan oleh kekurangan ruang hidup, dasar kerajaan yang lemah, dan penghinaan masyarakat. Ini memaksa ramai pendatang tinggal dalam keadaan yang sesak dan tidak selamat. Anehnya, berbanding dengan inisiatif integrasi lain, sedikit perhatian telah diberikan kepada komponen perumahan integrasi pendatang biasa. Sikap berpuas hati dan kerapuhan ini memberi kesan kepada kedua-dua orang asli dan pendatang. 17 Matlamat Pembangunan Mampan (SDG), terutamanya SDG 11: Bandar dan Komuniti Mampan, menyediakan konsep panduan penting yang menyokong hak untuk mendapat taraf hidup yang boleh diterima, termasuk perumahan yang mencukupi.

Kata kunci: *Perumahan Migran, Hak Asasi Manusia, Matlamat Pembangunan Mampan (SDG)*

Introduction

The international community had established the refugee protection regime to provide safety to those who were fleeing grave dangers to their life. But precisely because of this, broader security considerations have always had a considerable impact on refugee protection. A state's ability to accept immigrants and refugees as citizens and the calibre of the asylum are both impacted by real and imagined security risks. On another level, unstable conditions make it more challenging for the UNHCR and other relief organisations to defend and uphold the fundamental human rights of refugees. Many ASEAN countries view themselves as non-immigrant states. This shows that the majority of immigrants do not often decide to settle in ASEAN nations (Dewansyah and Handayani, 2018). Refugees are sometimes referred to as "illegal aliens," which places them in a position of significant vulnerability as many Southeast Asian countries lack an appropriate legal framework for them (European External Action Services 2018). As a result, many of these countries lack an adequate legal framework for refugees. Indonesia, Malaysia, and Thailand do not have laws that explicitly protect refugees because they have not ratified the Refugee Convention.

People who leave their usual residence within their country or across international borders are known as migrants. This can be for various reasons and can be temporary or permanent. Family members of those who have already migrated, and refugees and asylum seekers are also considered migrants. A migratory worker is an individual who moves to another country for work. Those with the necessary legal documentation, such as passports and work permit, and are employed abroad are known as regular or documented migrants. Those who enter a country pursuing employment opportunities without the required legal documentation are considered irregular or undocumented migrants. This also includes those who entered the country legally but have violated the terms of their visa or overstayed their approved period. Refugees, on the other hand, are identified and protected under international law. They are defined as people who are unable or unwilling to return to their country of nationality due to a well-founded fear of persecution based on their race, religion, nationality, membership in a particular social group, or political beliefs. This also includes those who do not have a nationality and are outside of their former habitual residence.

The international community created the refugee protection regime to protect individuals from life-threatening dangers. However, security concerns have always had a significant impact on refugee protection. Natural and perceived security risks affect a country's ability to accept refugees and provide asylum. Unstable conditions make it difficult for organisations like the UNHCR to uphold the fundamental human rights of refugees. Most ASEAN nations identify as non-immigrant states, and refugees are often referred to as "illegal aliens," leaving them vulnerable due to a lack of legal protection. Unfortunately, many Southeast Asian countries lack the legal framework to support refugees since they have not ratified the Refugee Convention. Indonesia, Malaysia, and Thailand do not have laws that explicitly protect refugees.

Migration has had a profound impact on Malaysia's social, economic, and cultural landscape and its history. Since gaining independence from Britain in 1957, about 15% of Malaysia's workforce consists of documented migrant workers. The country relies on foreign labour and imports workers from 15 different countries, primarily Indonesia (39%), Nepal (24%), Bangladesh (13%), and Myanmar (7%). Immigrants work in

various industries, including construction, agriculture, plantations, manufacturing, services, and domestic work. However, identifying irregular or undocumented migrants is a sensitive issue for policymakers due to their lack of legal status. Migration has significant political, social, and economic consequences for both the countries of origin and destination. Policymakers must understand the causes and impacts of migration and develop effective laws that promote safe, standard, and orderly migration while addressing the challenges faced by migrants. In Malaysia, immigrants living in urban areas face numerous difficulties and problems.

Securing affordable and appropriate housing is a significant challenge for many migrants, especially those with low skills and income. Inadequate housing often results in overcrowding, which puts their safety and well-being at risk. Unfortunately, studies and reports only tend to address housing and living concerns for migrant workers inadvertently, with very few notable exceptions. However, inadequate housing significantly affects migrant workers' vulnerability to human and labour rights violations. Despite being recognised as a crucial pillar of integration for immigrants, studies on housing need more attention. The availability of suitable accommodation substantially impacts migrant workers' general standard of living, well-being, and human and labour rights. The 1948 Universal Declaration of Human Rights recognises adequate housing as a fundamental human right. It should be habitable and protected against "other health threats" to be considered adequate, according to the Office of the United Nations High Commissioner for Human Rights and UN-Habitat (2009).

The issue of housing for migrant workers has been a long-standing challenge worldwide, with inadequate accommodation being a common problem (Open Society Foundations 2020). Finding suitable and respectable housing can be complex for these workers and may even lead to exploitation, which is often overlooked (Segrave 2017). This situation reflects the broader problem of inadequate housing rights and conditions. Despite being recognised in international labour and human rights laws, the right to sufficient housing has yet to be fully realised worldwide (UN CESCR 1991). As a result, the housing crisis contributes to the rise in social inequality (UN *et al.* 2019). The UN Special Rapporteur emphasises that decent life requires a sufficient home. However, migrant workers' access to housing is affected by the regulations controlling their entry and residency in the destination country and their labour status and remuneration. Migrant workers face challenges such as navigating a new regulatory structure, often in a foreign language, and lacking experience renting in the area since they are not citizens of the country, they are working in.

Housing Challenges by Migrants in Malaysia

The global financial crisis has resulted in a severe shortage of affordable housing, which is widely acknowledged. Average-wage workers cannot afford high-priced housing and must settle for lower-quality options. These challenges are expected to have a significant impact on migrants as well. According to the European Web Site (EWSI 2016), which surveyed integration in 28 EU member countries, migrants are particularly vulnerable in the housing market. They are disproportionately reliant on private rents, often unaware of their rights, and frequently subjected to discrimination.

When considering the housing challenges faced by migrants, there may be disagreements regarding the availability of affordable homes. Additionally, laws prohibiting non-citizens from residing in public housing, onerous bureaucracy, a lack of grievance procedures, inadequate knowledge and guidance, discrimination in housing

or financial aid provision, and other factors restrict access to public housing. In Malaysia, public housing programs such as the People's Housing Program (*Program Perumahan and Rakyat*) and the Public Housing Project (*Projek Perumahan and Awam*) are primarily intended for Malaysian citizens. The Malaysia National Housing Policy outlines the framework for housing development and allocation in the country, focusing on providing affordable housing for all Malaysians. However, the policy does not explicitly prohibit non-citizens from residing in public housing. In practice, non-citizens face restrictions or limited access to public housing due to eligibility criteria and citizenship requirements. Public housing schemes often have specific eligibility criteria prioritising Malaysian citizens based on citizenship, residency status, and income thresholds. This makes it challenging for non-citizens, particularly undocumented or irregular migrants, to access public housing.

It is often difficult for migrants to secure financing for a property purchase due to their limited financial resources and lack of personal employment and financial records, such as pay slips, tax returns, or financial statements. These documents are commonly used to assess a person's creditworthiness and ability to repay loans. Without them, migrants struggle to demonstrate their ability to repay debts. This limitation often forces them into informal settlements or substandard living conditions.

Migrants may face housing insecurity and tenancy rights issues, especially those without proper documentation. They may be at risk of eviction, unfair rent hikes, and exploitation by landlords. This is because they lack legal safeguards and tenancy rights that citizens or documented residents possess. For instance, landlords must inform local authorities when renting to illegal migrants, making it difficult for undocumented migrants to lease a property without proper documentation. Furthermore, rent affordability is a significant concern for migrants who typically work low-wage jobs, usually earning less than MYR 2,000 per month, and are often subjected to derogatory labels like "Dirty," "Difficult," and "Dangerous" (3Ds).

Cooperation between various parties, including governments, housing authorities, community groups, and non-governmental organisations, is necessary to address these housing difficulties. Providing affordable housing options, eliminating discrimination, promoting integration programs, offering language assistance, and raising awareness of housing rights can all help improve the housing situation for migrants. Malaysia has established guidelines for Centralized Labor Quarters (CLQs), which provide centralised or group living arrangements for foreign and local workers. CLQs are equipped with various facilities and amenities for the comfort of occupants and can be created by developers, employers, or lodging operators. Depending on the facilities provided, leasing fees may be imposed by either the employer or employee housing developer.

Migrant Housing and the Sustainable Development Goals

The Sustainable Development Goals (SDGs) and migrant housing are linked in several ways. The SDGs are a group of 17 global objectives that were endorsed by the United Nations in 2015 with the intention of resolving numerous social, economic, and environmental issues globally by 2030. The provision of conducive employee accommodation is also in line with several SDG indicators.

There are several connections between migrant housing and the Sustainable Development Goals (SDGs). The SDGs are a set of 17 global objectives approved by the United Nations in 2015 to address various social, economic, and environmental

challenges worldwide by 2030. Furthermore, providing suitable housing for employees aligns with multiple SDG indicators.

As part of achieving the United Nations' sustainable development goals, there are several targets related to migrant housing. For example, Goal 1 aims to reduce poverty by providing safe, affordable, and adequate housing for migrants. Goal 3 focuses on improving the well-being and physical and mental health of migrants through adequate housing. Moreover, having access to appropriate housing can reduce health hazards caused by substandard living conditions. Goal 8 prioritizes protecting workers' rights, including female migrant workers and those in insecure employment. Goal 11 emphasizes the importance of sustainable cities and communities, which heavily depend on migrant housing. This requires providing accessible, inclusive, and safe housing options, encouraging the use of essential services, and promoting the integration of immigrants into the neighbourhood. Finally, Goal 17 highlights the importance of partnerships between governments, international organizations, civic society, and the business sector to address the housing needs of migrants effectively. Collaboration and partnerships can facilitate sharing best practices, resources, and information to create sustainable migrant housing.

To align migrant housing with the SDGs, our efforts must include promoting affordable housing options, ensuring access to essential services, fostering social integration, and improving housing conditions for migrants. Countries can achieve the SDGs and address the unique housing needs of migrants by incorporating these factors into their housing policies and practices.

Conclusion

In summary, providing housing for migrants is a critical aspect that connects human rights and the Sustainable Development Goals (SDGs). The ultimate objective is to establish inclusive communities where everyone can thrive. By merging these two fundamental issues, we can ensure migrants have access to safe, affordable, and sufficient housing while maintaining their fundamental human rights. The concept of migrant housing involves values such as equality, non-discrimination, and social inclusion, and it extends beyond merely offering shelter. It aligns with the SDGs by contributing to objectives like ending poverty, reducing inequality, building sustainable cities and communities, and strengthening institutions.

Creating inclusive communities requires the cooperation of governments, civil society organizations, international organizations, and local communities. It involves formulating comprehensive housing policies that facilitate access to affordable housing for migrant residents, promoting their integration into the community, and fostering social cohesion. Collaboration and partnerships between stakeholders are essential in sharing best practices, information, and resources, resulting in innovative ideas and effective housing program implementation that combines human rights and sustainable development goals. By addressing the housing needs of migrants in a sustainable and rights-based manner, we can build communities where everyone can flourish, regardless of their migration status. This approach benefits migrants and contributes to the overall achievement of the SDGs, creating inclusive and resilient societies for a better future.

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