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advisory

IMAN Research

IN THIS ISSUE:

Homelessness in the time of
COVID-19



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Based in Kuala Lumpur, Malaysia, IMAN Research (legally registered as PanjiAlam Centre Sdn Bhd) is a think tank which focuses on security and socio-political matters. IMAN Research is spearheaded by experts with extensive local and international experience in the areas of management consultancy, social policy development, community resilience and engagement, particularly in the area of security, electoral reform, participatory urban redevelopment and psycho-social intervention within communities in conflict.

We concentrate in the domains of peace and security, ethnic relations and religious harmony. We aim to deliver sound policy solutions along with implementable action plans with measurable outcomes. To date, we have worked with Malaysian and foreign governments as well as the private sectors and international bodies, such as Google, UNICEF, UNDP and USAID, on issues ranging from security, elections to civil society empowerment.

editorial letter

In times of crisis, the most vulnerable tends to be forgotten. A walk around our cities shows us that the number of homeless people is rapidly increasing. Left alone and cast aside by society, the homeless had always been seen as the 'losers' — people who are in this situation because of who they are and their lack of quality, rather than acknowledging that they are there because society has failed them. And as the COVID-19 measures are taking a toll on our economy, more people are thrown out of the abode with only the streets to call their home.

Should we just look the other way? Or occasionally give them food so they would not starve, without providing them with their other needs? Or should we look into the root of the problem, and work together as a society to provide each other with a dignified life?

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In this issue:

1 Homelessness in the time of COVID-19

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Homelessness in the time of COVID-19



Article 25 of the Universal Declaration of Human Rights (UDHR) states that “everyone has the right to a standard of living, for the health and wellbeing of himself and of his family, including food, clothing, housing and medical care and necessary social services.”

A statement first made universal in 1948, adopted en bloc by most member states of the United Nations. This was seventy years ago. The same statement would discover in the decades to come that homelessness is a result of bad political decisions, and that the governing agency has failed in its capacity to provide basic rights to the population, either due to man-made wars or through mismanagement of economic opportunities.

Individuals facing homelessness experience a wide range of stereotypes and stigma that do not always reflect reality. It is dangerous to generalise that people experiencing homelessness are far more likely to be victims of violence than to perpetrate it. The relationship between drug use and homelessness is complex. Most drug addicts are usually housed, contrary to the popular belief that substance abuse is linked to homelessness. Since drugs are prohibited and subject to harsh laws, they are safely consumed indoors rather than risking being caught red-handed for consumption or possession of illegal drugs.

The prevailing causes of homelessness are a breakdown in family relationships, reliance on substances or substance abuse, and other types of conflict. However, not all homeless cases are the same. There are different types of homelessness in Kuala Lumpur and in other developed cities. The common type is the unsheltered homeless who are described as those sleeping at bus stops, in cars, sidewalks, or empty buildings.

The provisional accommodation that has been identified for them by government agencies are spaces like transitional shelters, hostels, backpackers, jails or hospitals. This however posed a serious concern amongst the homeless who worry about COVID-19 infections in a large congregate setting rather than living free in public spaces.

Meanwhile, the emergency shelters often accommodate women or minors that have escaped violent situations and require immediate help, although this is not always available. The other type that are constantly at risk of being homeless are those living in crowded, unsafe or expensive houses — especially low-skilled migrant laborers, refugees and undocumented persons.

Many people associate homelessness with its most visible form — rough sleeping in open spaces, specifically in densely populated areas of the city. This notion is rather misleading. The reality is that homelessness is an underreported issue and is often concealed from public view. This is due to the fact that people often stay at a relative or friend’s place while looking for work, with little to no prospect of renting or owning a home anytime soon. Affordable houses are often located far outside the city, making it a time-consuming and costly affair to commute between work and home everyday.

One way to better understand homelessness in your area is through observation. The usual “outdoor-type” homelessness may be common and in plain sight — but this type of homelessness only reflects a small percentage of overall homelessness. During the current COVID-19 pandemic, studies have shown that the prolonged “new normal” can quickly become public health hazards - both economically and psychologically - for the homeless and destitute if assistance for them is delayed.

The homeless, many of whom make private and public spaces within the city their regular sleeping berths, are also as vulnerable to violent or hateful extremist ideology as anyone else. Being homeless may drive them to channel their grievances in a violent way. If the issue of their housing gets sorted, they may be motivated to tackle other issues such as unemployment and poverty in a more positive manner. This approach has been put to test and has proven to work for people facing multiple disadvantages.

The current document that the government is looking to implement is the Kuala Lumpur Structure Plan 2040 with a vision of spurring strategic development within the Klang Valley in the next two decades as part of the National Conurbation Plan. Looking at the document which was released earlier this year, the government has some modest plans and unrealistic targets. The document further describes its attempt to be all inclusive and urban-oriented.

While Kuala Lumpur is dubbed as among the top Asian cities (based on quality of life and cost of living), homelessness and urban poverty remain contentious and controversial. Like many market-based governments, the problem of housing is left to private developers and dictated by the free market policy.

While homelessness does not appear to be as pressing an issue at the national level as compared to approving further developmental projects, Kuala Lumpur city has to its credit found some measures to address this issue.

For example, KL City Hall (DBKL) and non-profit groups have in recent years sought to provide free meals, medical and health check-ups, lodging, and even employment opportunities for the homeless. Many who fall within this group comprise of non-citizens, asylum seekers and refugees. The effectiveness of these solutions remain to be seen in the long-term, but at least it's a step in the right direction.

From the perspective of governments, the homeless issue is often viewed from the lens of avoiding something shameful, or that the government is building a "favourable image" of the city. Therefore, each year, authorities become more vigilant in carrying out enforcement measures to round up the homeless, especially in the wee hours of the morning. This will never resolve the problem. Yet, the failure of this strategy has time and again been blamed solely on the homeless folk.

Destitute Persons Act, 1872

From a modest tin mining town surrounding the Sungai Klang and Sungai Gombak area, Kuala Lumpur grew as a very important centre for job opportunities for people across the region. The rapid growth in its economic capacity warranted a recognition by the British who then transformed it in 1880 as the capital of the State of Selangor. The demand for raw materials grew in volumes and so was the demand for laborers.

By this time, Kuala Lumpur's inhabitants were of mixed social and cultural backgrounds. Building houses by way of opening more settlements for the laborers became a matter of urgency. Modern industrial tools were slowly being introduced into the labor system amid scant houses with basic facilities. Those labourers without lodging were forced to sleep in the streets despite regulations prohibiting it within the British-run town.

In the United Kingdom, the criminalisation of homelessness began with the Vagrancy Act of 1824, when thousands of maimed ex-servicemen from the Napoleonic wars were reduced to begging on the streets. The act was passed in order to get rid of them. When the colonial British came to Tanah Melayu in the mid-18th century, they brought along their administrative tools and legal know-how that they first hatched in the Indian subcontinent to experiment with its effectiveness. What followed was the Destitute Persons Act which was enacted in the Straits' Settlements Criminal Law in 1872.¹

The Act explains that a vagrant is "a person wandering abroad and lodging in any shed, or outhouse, without the permission of the owner thereof, or in any deserted or unoccupied building, or in the open air or under a tent, or in or under any cart or wagon, or other similar shelter not having any visible means of subsistence, and not giving a good account of himself." The punishment for violation of the Act at the time was imprisonment up to two months or a fine not exceeding 25 dollars.

The law was designed to discourage people from turning empty public and private spaces into shelters for vagrants. For the last 148 years, very little about the law has changed.

¹ *The Destitute Persons Act is an earliest documented ordinance applied to the Straits Settlements in 1872. Currently the Act is under the purview of the Ministry of Women, Family, and Community Development.*

The main premise of “controlling vagrancy” centres around mass roundups (such as Operasi Gelandangan and Operasi Kutu Rayau — with no expiration date), and compulsory detention of people who are homeless and/or found begging. Over the years, as part of the beautification and refurbishment of cityscapes, authorities have conducted over 2000 operations nationwide, detaining thousands of citizens and non-citizens.

Public spaces, by definition, are open to all. But the Act allows for enforcement officers to selectively and forcibly remove poor and homeless persons from these spaces. Such treatment discriminates against the homeless, and unfairly segregates them from the public. There are also cases where the government appeals for local communities to report homelessness, resulting in public discrimination and stigma towards the homeless and that too with tacit support from officials.

Such heavy-handed actions actually violate Articles 5, 8 and 9 of the Federal Constitution, which guarantees personal liberty, equal protection and freedom of movement of persons targeted. During roundup operations, Alam Flora “cleans” spaces that the homeless occupy, often throwing away their personal belongings. The persons in remand centers and welfare homes also have property removed or lost without consent. The loss of personal property is devastating for the homeless since it often includes essentials like identification cards, health records, medication, important contact information, and more.

Today, the treatment of the homeless and the destitute under the Act remains unchanged. One research conducted on the impact of the Act towards the homeless found that it was being used by the government to unilaterally or forcibly detain anyone deemed to be a “destitute person” in order to serve their best interests. To do so not only wrongfully denies law-abiding individuals of their fundamental rights and liberties, but also chillingly maintains that

the state has superior authority in making decisions that affect their lives (*parens patriae*).²

Rayna Rusenko, the author of the research paper also argued for a more prudent and comprehensive engagement between stakeholders in addressing the blockage in the system, especially within the ministries and departments working on the wellbeing of its population.

Homelessness and the Pandemic

Long before social distancing was made ‘fashionable’ by the rude entry of COVID-19 into our lives, the destitute have been socially distanced by the public due to their unpleasant appearances and stigma that is associated with homelessness. It is a tragedy and no one wants to represent it. Official numbers from 2018 state that there are an estimated 800 homeless individuals living in Kuala Lumpur alone, with their primary living space being public sidewalks, roofed areas, or temporary lodging provided by the government. Despite the latter being a free accommodation for the night hours, sleeping beds are limited and often unavailable for many newly-arrived homeless folk.

The lack of affordable housing in Malaysia is a problem that was present even before the pandemic arrived, and has only gotten worse since. NGOs that run soup kitchens and provide assistance to the homeless believe that the actual number of homeless people could be much higher, due to a lack of coordination between local authorities and charity groups in managing their welfare.

If COVID-19 is any indication, there are more and more homeless living on the streets this year, and they appear a lot younger than before. Not only are more young people “stranded”, there is noticeably a growing number of women and children amongst that crowd.

According to a recent survey titled “Families on the Edge”, one in every three young adults are among the capital city’s poorest.³ The finding’s assessed that the

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² The meaning of *parens patriae* is [Latin, Parent of the country.] A doctrine that grants the inherent power and authority of the state to protect persons who are legally unable to act on their own behalf.

³ A report published by the United Nation’s Children Funds (UNICEF) and United Nations’ Population Fund (UNFPA), *Families on the Edge*, August 2020: <https://www.unicef.org/malaysia/media/1441/file/Families%20on%20Edge%20part%201.pdf>

younger segment of society are either jobless or have given up seeking employment, a staggering rate that underscores a deepening crisis besetting the country's future assets amid a pandemic and deteriorating socio-economic opportunities.

The report also found that as of September 2020, one in ten female providers were jobless, even as the rate had decreased since May when the authorities began phasing out the Movement Control Order (MCO). The unemployment rate at the time was over 30 percent, a figure higher than the average national unemployment rate of 4.3 percent and 5.3 per cent in May.⁴ The findings prompted louder calls for the government to look into allowing businesses and social activities to resume.

Are there any temporary solutions?

While there's no guarantee that the homeless situation can be solved in its entirety, a mitigation approach coupled with short-term and medium-term incentives for the homeless must be found. Youths with no stable income or junior staff living in the city are finding it hard to believe that rent in Kuala Lumpur is unaffordable. Landlords are also often accused of discriminating against or being racist towards potential tenants.

The government and housing authorities, including developers and banks must look into the issue more seriously if a digital economy is the future market, but one where many young consumers are ineligible to afford basic items. For example, the government must revisit the Residential Tenancy Act to address racial or gender discrimination when renting out houses.⁵

Furthermore, the government must focus on building truly affordable houses and not those that are still relatively costly under the country's current wage structures, especially for blue-collar sectors. The Federal and state governments must stand on the same page in addressing empty housing projects by creating more long-term incentives for people to opt in, permanently, rather than on a temporary or seasonal basis.

Big cities all over the world have their fair share of issues concerning the homeless. Yet, there are others looking at solutions - albeit temporary ones. For example, in Japan, the homeless are encouraged to stay indoors (in government-run shelters), especially during winter months. The funds being spent on mitigating the homeless issues were surprisingly low when its responsibilities are shared with local residences and the community.

While extreme temperatures may not be a concern in Malaysia, our wet rainy seasons can contribute to airborne diseases such as high fever, influenza and skin diseases amongst the homeless, who are exposed to unclean environments, coupled with lack of access to hygiene facilities.

In Singapore, the homeless are allowed to take up shelter at the Singapore Sultan Mosque, one of several programs initiated via a government-community collaboration to tackle the destitute problem and to also provide company for individuals who are troubled and in need of life assurances. Putting their spiritual differences aside, the mosque is uniquely collaborating with churches and temples in order to provide a safe and secure environment for vulnerable groups. Several initiatives in other countries are also showing positive outcomes, although ultimately, it is the political will that matters most.

Kuala Lumpur's 2040 goal of "City for All" aims to provide housing for all levels of society specifically with a view to addressing the needs of the homeless.⁶ The one-line statement with no explanation and strategic direction can be misleading and cast a void on the supposed goal of being inclusive and equitable. The Universal Basic Income (UBI) programme in a nutshell is to allow the value of individual labour to be properly set as people are able to decide what the value of their time and effort is without economic coercion in the form of the threat of destitution and homelessness.

The current minimum wage, set at a rate of RM1200, is sadly a meagre wage for most people in a highly consumer-oriented society. It doesn't help the economy benefit if the majority of the population do not have the purchasing power and options to choose from. Today's market is highly reliant on consumer

4 *Malay Mail article: <https://www.malaymail.com/news/malaysia/2020/10/30/one-in-three-young-adults-in-kls-low-cost-flats-jobless-amid-pandemic-new-u/1917756>*

5 *<https://www.edgeprop.my/content/1726319/proposed-residential-tenancy-act-putting-end-tenancy-woes>*

6 *Draft Kuala Lumpur Structure Plan 2040: https://www.dbkl.gov.my/klmcity2040/?page_id=4214*

volumes, rather than the quality of certain products. This is because the market is always flooded with new products that are either local or imported from abroad.

In the last nine months of COVID-19, both private individual economies and the country's economic deficits are no longer concealed. When a country is reported to have infections from the COVID-19 virus, the national borders are immediately sealed off and economic activities quickly come to a standstill as restrictions to break the circuit take precedence - and are exercised by way of social distancing SOPs, which is not everyone's cup of tea.

If the UN's Sustainable Development Goals serves as the government's benchmark in maintaining its power balance, assistance for the most vulnerable and fringe members of society - including that of displaced persons and the refugees - must not be delayed despite political rivalry between political parties as stipulated under existing democratic terms of condition. The City has a civic and moral duty to increase and ensure accessibility to affordable housing and transportation as targeted under the Malaysia Plan.

While the Federal government is taking steps to improve the lack of affordable housing through direct provisions under the 1Malaysia People's Housing Scheme (PR1MA), its present focus is still primarily on home ownership rather than rental options, which would better suit unmarried individuals or those looking for immediate accommodation.

A roadmap to ending homelessness may well be a non-priority for the government, especially if activism and advocacy in these areas are being politicised at every decision-making level. A time for change means that the Federal and state governments must be committed to ending homelessness by expanding its investment arms in working with community-based responses. The faultline currently lies with the government policy.

By creating more decentralised urban areas, the long-term balancing act between job creations, accessible public transportation and available human capital can be managed. Bringing in the necessary expertise, including the homeless community themselves to share their experiences and lessons learned, may offer fresh insights to tackling homelessness and hunger.

Finally, and perhaps most importantly, we need a new national definition of homelessness - away from one that is degrading and discriminatory to a more civil interpretation that encompasses compassion and the need for a policy that incorporates gender considerations, cultural backgrounds, age sensitivities, and is fully geared towards total recovery.

If we pull through this COVID-19 pandemic, with a possible vaccine in the coming months, we need the government to make good on its promise of creating more affordable housing and adopting a moratorium on the establishment of a universal basic income programme to alleviate suffering and end abject poverty. Extraordinary times call for extraordinary measures, and as a society we must think of more critical and bolder ways to survive. ■



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