



Right to justice and legal aid barriers to the vulnerable non-citizens in Malaysia

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Abstract

Legal aid is the provision of assistance to people who are unable to access legal counsel in the justice system. It is regarded as an important aspect of the right to justice. In Malaysia, migrant workers and refugees are among the most vulnerable population, facing unequal and discriminatory treatments compounded by ineffective mechanisms to guarantee their right to justice. Malaysian legal aid schemes strive to serve various segments of vulnerable population to access legal assistance but tend to confine it to Malaysian citizens. Consequently, migrant worker and refugee population are remained vulnerable, and at risk of their rights being ignored and violated. This study argues that despite the evolution of legal aid schemes into a hybrid system that paves the way for a more robust public-private partnership – it does not result in the expansion of services to the vulnerable non-citizens. Deriving from several key informant and in-depth interview sessions with vulnerable non-citizens in Malaysia, this study highlights four key barriers hindering the provision of legal aid to the vulnerable non-citizens. They are: (i) limited scope of legal aid's coverage; (ii) financial constraint; (iii) limitation in private lawyers' participation in legal aid schemes; and (iv) the lack of awareness. Drawing from Rawls's theory of justice, this study conclude that the failure of social institutions in particular the legal aid providers to provide adequate access to legal aid to the vulnerable non-citizens suggests unfair distribution of justice in Malaysia's modern social justice system.

Keywords: legal aid, migrant workers, non-citizens, refugees, right to justice

Introduction

“I spent more than a year in prison after being accused of violating Malaysian immigration law. After that I was sent to immigration detention for another 12 months before being freed with the help of UNHCR. There was not any lawyer assisting me. You know that I am a refugee? I migrated to Malaysia because I did not have choice to stay in Myanmar, but why we were sentenced to prison?”

(A Rohingya refugee (1))

The story above is just one example of how access to legal aid is of paramount importance to protect the very basic human rights of the vulnerable individuals, including the non-citizens. Legal aid is the provision of assistance to people who are unable to have legal representation and access to justice system. It is regarded as an important aspect of the right to justice by ensuring their right to counsel and a fair trial (United Nations Office of Drugs and Crime, 2016). Without access to legal aid, millions of vulnerable people across the globe are at risk of their rights being ignored and violated (Open Society Foundation, 2016).

The right to justice and legal aid are both guaranteed in many global and regional human rights instruments (Misztal, 2011). Despite such guarantees, a study conducted by the United Nations Office of Drugs and Crime (UNODC, 2016) found that there is a great loophole in relation to the provision of legal aid across the globe, even among the developed countries. It was also acknowledged that many legal aid services do not provide specialized and targeted legal aid schemes for the vulnerable population such as internationally displaced persons (IDPs) and refugees, including those forced to reside at remote and conflict zones (UNODC, 2016). Other vulnerable members of the society such as people living with HIV/AIDS and persons with disabilities also face difficulties to seek remedies for the infringement of their rights due to poverty, ignorance of the law, and lack of awareness of litigation procedures (Mizane et al., 2017).

The lack of access to legal aid is attributed to various factors such as (i) the lack of awareness on the availability of legal aid services (UNODC, 2016); (ii) ineffective access to the court system due to physical and non-physical barriers (Mizane et al., 2017); (iii) poverty and marginalization (Open Society Foundation, 2016); (iv) illiteracy, culture and tradition-related barriers (Benjaminsson, 2014); (v) limited geographical coverage of legal aid services (Legal Aid Service Providers' Network, 2004); and (vi) corruption and negative public perception on justice system (Benjaminsson, 2014). Consequently, in 2016, the Open Society Foundation (2016) reported that an estimate of 4 billion people around the world live outside the protection of the law, many of whom are poor and marginalized within their very own society.

Given the multifaceted barriers hindering fair and affective access to legal aid across the world, the international community for the very first time has integrated element of access to justice into the global development framework known as the Sustainable Development Goals (SDGs). The international community has agreed to consider access to justice as a fundamental right when it was incorporated in the SDG Goal 16 with the theme on peace, justice and strong institutions.

In Malaysia, there is already a legal basis, which forms the source for the provision of legal aid. Legal aid providers are broadly divided into two categories namely the government-led and private legal aid schemes. The Government of Malaysia, through its Legal Aid Department (LAD), which was established in 1970 – is mandated to provide various legal aid services including litigation and mediation on select civil, criminal and Syariah matters, targeting the lower income groups in the country. The Malaysia's Bar Council established its legal aid scheme known as the Legal Aid Center (LAC) in 1982. The LAC offers legal advice, representation and intervention in select civil and criminal matters for the marginalized, underprivileged and disadvantaged people. The establishment of the National Legal Aid Foundation (NLAF) later in 2011 was perceived as the breakthrough in the development of legal aid scheme in Malaysia, paving the way for a more robust public-private partnership in the provision of legal aid.

The next question is – are these legal aid services available for all beneficiaries? Who they refer to as the lower income group as the targeted beneficiary of the LAD, or the marginalized, underprivileged and disadvantaged people for the legal aid services provided by the LAC and the NLAF? Most importantly, are the non-citizens of Malaysia eligible or

included as the targeted beneficiary? As we move forward to achieve fair access to justice as explicitly outlined in the SDG Goal 16 – these questions deserve attention and practical solutions to address it.

As such, this study aims to discuss the existing legal aid schemes and their respective practices in Malaysia. In this particular objective, this study discusses which of the legal aid schemes and the types of services are made available to the vulnerable non-citizens. Thereafter, this study discusses the barriers facing legal aid institutions to expand their services to the vulnerable non-citizens in Malaysia. This study argues that the right to legal aid is a fundamental human rights that must be provided to all individuals regardless of their status of nationality. The failure to provide access to legal aid to all including the non-citizens of Malaysia is a manifestation of unfair distribution of justice in the modern social justice system.

This study focuses three main legal aid providers namely, the LAD (as a government-led service provider), the Malaysian Bar's LAC and the NLAFF. Important to note that there are other institutions such as private law firms, law faculties and non-governmental organizations (NGOs) providing a variety of legal aid services for the impecunious persons, which are not covered in this study. At the end of this article, this study offers a set of policy recommendations for the consideration of the policy makers and legal aid providers.

Right to justice and the vulnerable non-citizens in Malaysia

Malaysia is a constitutional monarchy. It operates a dual governmental system at federal and state levels, at the same time adhering to a common law legal system. Federal Constitution is the highest law in the country. It defines the Malaysian government structure, and guarantees the fundamental rights of all persons – including the right to life, right to equality, right to liberty as well as freedom of religion (Government of Malaysia, 1957). The Federal Constitution does not explicitly mention the provision of legal aid, let alone guaranteeing that everyone has the right to legal aid in all its forms. However, the same Constitution under Article 5 (3) guarantees the right of persons to be legally represented in the court system. Besides, Article 8 (1) of the Federal Constitution guarantees that all persons are equal before the law.

As mentioned in the beginning of this study, legal aid is an important aspect of the right to justice. The right to justice is heavily attributed to the work of Rawls (2005), specifically in his theory of justice (thereafter referred to as Rawls's theory). To achieve justice, Rawls (2005) stresses that a well-ordered and well-administered community must be first formed in order to create a fair distribution of social goods. Rawls defines (2005) social goods as the satisfaction of rationale desires where each and every individual makes his/her own rationale life plan depending on her his/her own concept of good. Rawls (2005) emphasizes that social institutions, which distribute the social goods should be structured to act in accordance with the principles of justice while distributing the fundamental rights and responsibilities.

Rawls's theory addresses justice on the basis of fairness, and that fairness can only be achieved when each individual has access to the services he/she needs (Ekmekci & Arda, 2015). Rawls's theory of justice has two core principles namely equal liberty and social inequality. Equal liberty means that each and every individual should have equal fundamental rights including political liberties, liberty of conscience, freedom of speech, freedom of expression, self-respect, right to property and freedom of thought (Rawls, 2005). These liberties must be protected, and must not be negotiated as they provide the opportunity of being equal to every individual in the society. Ekmekci and Arda (2015) argue that in many

democratic countries, these fundamental rights are already being guaranteed by the constitution. Social inequality, on the other hand, is a principle that steps in when the distribution of resources out of the scope of the first principle (equal liberty) such as income and welfare, cannot be achieved (Rawls, 2005).

In his theory of justice, Rawls (2005) claims that there must be a hierarchy between the two principles – where the first principle (equal liberty) has a higher rank than the second principle (social inequality). The higher rank of the first principle creates an obligation not to bargain to provide equal liberty, in order to achieve social equality. For instance, we do not want to compromise our freedom of speech in order to earn more income.

Although it is not specifically mentioned in Rawls's first principle of equal liberty, this study argues that access to legal aid is a fundamental right that must be included in the list of fundamental liberties. The logic is simple. The failure to provide fair access to legal aid will lead to other deprivations of liberties and social inequalities. Secondly, this study argues that the right to legal aid is a fundamental right, it should not be compromised, including on the basis of fulfilling social equality among different segments of society. As such, social institutions, especially the legal aid service providers play very important role to ensure fair distribution of justice, including ensuring that each individual, regardless of their status of nationality have fair access to legal aid. On this note, Rawls (2005) reminds that one kind of unjust action is the failure of judges and others in authority to apply the appropriate rules and justice system correctly.

By virtue of Article 5 (3) of the Malaysian Constitution, the right to justice and legal aid is guaranteed for every person in Malaysia. However, existing studies indicate that migrant worker and refugee populations are among the most affected community who are unable to enjoy their right to justice, including their access to legal aid (International Federation for Human Rights, 2000; Azharudin & Azlinariah, 2012; Equal Rights Trust, 2014; Wake & Cheung, 2016; Andika, 2018). In this study, migrant workers are referred to as international migrants who are entering Malaysia as unskilled and low-skilled workers, working in selected sectors of economy as permitted by the government of Malaysia. For refugees, they are referred to as persons who are outside their country of origin because of a well-founded fear of persecution because of race, nationality, membership of a particular social group, or political opinion. Further refer to the United Nations (United Nations, 1951).

A study conducted by the International Labor Organization (ILO, 2017) found that many migrant workers experienced unequal and discriminatory treatments in Malaysia, compounded by ineffective mechanisms to resolve migrant workers' complaints. The same study also uncovered that the most frequent issues facing migrant workers include non-payment of wages and fraudulent by recruitment agents. Some migrant workers had been terminated by their employers, after they had lodged complaints of discriminative practices at avenues provided by the law (Clean Clothes Campaign, 2013). Though the existing legal framework in Malaysia permits migrant workers to seek remedies of their labor issues, this does not apply to irregular migrants and domestic workers (Santhiago, 2011; Harkins, 2016). As such, legal aid may offer alternative, otherwise the last avenue for the workers both documented and irregular workers to resolve their case or dispute.

Similarly, refugees and asylum seekers continue to have their rights denied and violated on many aspects (Andika, 2018). As a non-state party to the Convention relating to the Status of Refugees (1951) and its Protocol (1967), the government of Malaysia does not have legal and administrative framework to manage the influx of refugees in its territory. Consequently, refugees, particularly asylum-seekers without their refugee status granted by the United Nations High Commissioner for Refugees (UNHCR) remain vulnerable to detention, with no review is needed by the court (Asylum Access, 2018). Other than that, as many refugees entered into informal labor market, they often find themselves cheated and

manipulated by labor agents and unscrupulous employers. Without access to legal counsel, they are unable to bring their case for justice.

The growing use of the term vulnerability in public, political and academic discourse suggests the importance of this specific group of population in justice system (Misztal, 2011). This is evidently proven in the context of the overall situation facing migrant workers and refugees in relation to their access to justice and legal aid in Malaysia. This study notes that the question of who and what criterion to be used to determine one's status of vulnerability are remained dubious. One would argue that in fact everyone is vulnerable, although some may be more resilient than others (Dehaghani & Newman, 2017). This study refers the vulnerable group in two broad criterions. First, vulnerable in the context of discrimination on the basis of their status of nationality and immigration. Second, vulnerable in the context of financial inability to access legal representation, otherwise poverty. As such, the vulnerable non-citizens referred in this study focus on migrant workers and refugees.

Research method

Leading scholars in the field of social sciences argue that knowledge and reality are socially constructed, and it is almost impossible for researchers to explain it objectively (Thanh & Thanh, 2015). They further argue that some issues in the society require an act of describing and explaining them in the right context, beyond a rigid analytical approach. This study is qualitative in nature, intending to assess the barriers facing legal aid institutions in delivering services to vulnerable non-citizens in Malaysia, and further explained and validated by key informant and respondents (see further below).

This study used both primary and secondary data. To gather primary data, this study used two methods of data collection. First is a semi-structured interview with key informants from the LAD office. The interview session was conducted on 25 August 2017 at LAD's headquarters in Putrajaya. The interview session permitted the study to gather insights from the LAD, in particular the latest amendment to the Legal Aid Act (1971) that was tabled between July and August 2017 and its potential implications to non-citizens.

Second is an in-depth interview, engaging five respondents – consisting two migrant workers from Bangladesh (referred in this study as “Bangladeshi migrant worker (1) and (2)”); two Myanmar Rohingya refugees (referred as “Rohingya refugee (1) and (2)”); and one Myanmar Chin refugee (referred as “Myanmar Chin refugee (1)”). The interview sessions were conducted between June 2017 and December 2017 in Kuala Lumpur and Selangor.

The selection of in-depth interview respondents based on four broad criterions as follows; (i) living in Malaysia for more than three years; (ii) engaged in any form of employment – both legal and irregular; (iii) language proficiency (English or Malay language); and (iv) have the experience of getting access to NGOs' services – both legal aid and non-legal assistance. All respondents were selected with the help of several NGOs those are providing various legal and welfare services to non-citizen population in Malaysia. The names of these NGOs are kept confidential as requested.

Important to highlight that only one of the five respondents who was able to benefit legal aid service from a legal aid provider in Malaysia. The other four respondents had never benefited from any legal aid services for a variety of reasons. In addition to these two methods of data collection, this study also gathered responses, including a list of recommendations from an NGO known as the Women's Centre for Change (WCC) through an email correspondence dated 3 August 2017. This study only used some of the recommendations received from the WCC, where relevant.

To further benefit from the existing secondary data, this study had undertaken a rigorous literature review, covering academic journals, proceedings and publicly available international organizations' reports related to legal aid and non-citizens population in Malaysia. This phase also involved reviews of relevant national laws and policies, as well as official statistics made available by the legal aid institutions in Malaysia. For clarity, this study refers the term legal aid as:

“... legal advice, assistance and representation for persons detained, arrested or imprisoned, suspected or accused of, or charged with a criminal offence and for victims and witness in the criminal justice process that is provided at no cost for those without sufficient means or when the interest of justice so require. Legal aid also covers the concept of legal education, legal information, alternative dispute resolution mechanisms...”

(United Nations, 2013)

Results: Barriers in the provision of legal aid to vulnerable non-citizens

The evolution of legal aid schemes in Malaysia does not guarantee the expansion of services to other segments of vulnerable population especially among the non-citizens. To understand this phenomenon, the following discusses barriers hindering the provision of legal aid to the vulnerable non-citizens to access legal aid services in Malaysia.

Limited scope of coverage

The Legal Aid Act (1971) forms the basis in which the LAD operates in the country. It spells out the administration and application of legal aid services in criminal and civil cases, as well as other services such as legal advice and mediation. The scope of legal aid services by which the LAD is mandated to provide is governed by the Second (criminal matters) and Third Schedules (civil matters) of the Legal Aid Act (1971). Essentially, the limit sets under Second and Third Schedules of the Legal Aid Act (1971) affects all beneficiaries including Malaysian citizens.

However, given the nature of issues facing the vulnerable non-citizens in Malaysia – such as labor disputes, exploitation of workers and immigration-related offences, which are not covered under the Legal Aid Act (1971), migrant workers and refugees are the most affected groups by the scope of the LAD's services. A Bangladeshi migrant worker (1) informed that the main issue facing migrant workers in Malaysia is being lured and manipulated by labor agents and employers. Some migrant workers are not being paid as promised when they were recruited in Bangladesh. He stressed that many migrant workers are afraid to come forward to lodge a complaint as they may be forced to resign, and to be repatriated back to Bangladesh. Unfortunately, issues such as these are not deliberately covered by the LAD due to its limited scope of coverage.

Secondly, even within the LAD's scope of coverage, some vulnerable non-citizens may still not be able to access the LAD's legal aid services due to their unrecognized status of immigrant. For instance, refugees' marriage is not formally registered in Malaysia simply because their existence is not formally recognized by the government administration. A Rohingya refugee (2) shared that refugees are not obliged to register their marriage with any government agencies including religious department. In many cases, Rohingya religious leaders solemnize a union between two refugees after which an informal marriage letter is issued to confirm their marriage. At the same time, just like other units of family, the

Rohingya couples also face family-related conflicts including divorce, child custody and maintenance-related issues. He stressed that all these issues are commonly settled outside the court system, and that have raised substantial problems for the Rohingya families and their children. Nevertheless, issues concerning marriage (including women and children) among the refugees are not within the scope of the LAD's services, including legal advice and mediation.

Financial constraint

Financial constraint is contributed to many factors including the lack of sustainable source of funding, and absolute reliance to one source of funding to support the provision of legal aid services. Almost all legal aid providers including NGOs and private firms face the same challenge namely fund insufficiency, unswervingly serves as the major barrier for the legal aid institutions to expand their services covering more pressing civil and criminal matters, and to allow for more clients including the vulnerable non-citizens to access legal aid.

The LAD relies solely to annual federal allocation to support their operations across Malaysia. The annual federal allocation is only sufficient to support the operation and running the existing legal aid services throughout the country (key informants, LAD's Officials). If the LAD envisions to expand the scope of its services and its targeted beneficiaries among the vulnerable non-citizens, the LAD must be able to establish and manage its own legal aid fund. The creation of legal aid fund permits the LAD to receive donation from the public, corporate entities and foundations, and subsequently to avoid depending solely from one source of financial through the federal allocation.

Limitation in private lawyers' participation in legal aid schemes

“Just like Malay or Chinese people, some Rohingya refugees are bad people. Some involved in petty crimes, while others may be involved in serious crimes including selling drugs. Some other Rohingyas committed domestic violence against their children and wife. But again not all are bad. So when a Rohingya refugee is alleged for any crime, oftentimes he is not represented by lawyers. He may be penalized for an offence that he did not commit. So where is the justice for us?

(A Rohingya refugee (2))

Quotation from a Rohingya respondent above indicates that the vulnerable non-citizens in Malaysia would also require legal counsel on criminal matters (not just for immigration-related offences) – for a very simple reason that is to ensure they are not penalized by the justice system for an offence they do not commit. This suggests that more lawyers are needed to come forward and offer their legal aid services for the vulnerable non-citizens in Malaysia.

On a positive note, the members of the Malaysian Bar increased steadily from a total of 13,011 in 2010 to 15,697 lawyers, as of February 2014 (Khoo, 2017). Similarly, the number of legal private entities reached to slightly more than 5,000 firms for the same period. Indeed, it is a good news on the surface. This study found that the increased number of lawyers and legal firms in Malaysia would unlikely to strengthen or expand the access to legal aid among the vulnerable non-citizens – based on these three points.

First is the size of the legal firms. As of end 2014, majority 89.5% of the total 5,031 legal firms registered were among small-size firms with a total workforce between one and five personnel (Khoo, 2017). However, majority of the small-size legal firms' workforce is unlikely being legally-qualified to provide legal aid. Hence, theoretically, the increased

number of small-size legal firms is unlikely to contribute significantly in the private lawyers' participation in the existing legal aid schemes.

Second is the level of seniority among the registered practicing lawyers. The majority 52.5% of the total 15,697 practicing lawyers registered in 2014 were among senior solicitors and advocates with more than 12 years of legal work experience (Khoo, 2017). Senior solicitors and advocates who fall within the majority group of practicing lawyers are less likely to undertake pro-bono legal aid work. Similarly, the increased number of registered lawyers does not form the basis that this would increase private lawyers' participation in legal aid schemes. Let alone providing their services to the vulnerable non-citizens in Malaysia.

Third is the gender perspective of the registered lawyers. From the same source of statistics for the year 2014, it is found that the majority 51% of the total 15,697 practicing lawyers were among women (Khoo, 2017). Statistically, women are less likely to practice including on pro-bono basis especially at criminal courts, or on criminal matters. Hence, the rising trend of registered lawyers among women would unlikely to fill the gaps for the pressing needs of legal aid especially in criminal matters.

Lack of awareness

Occurring in many other countries in the world, the lack of awareness and negative public perception towards justice system have been the major contributors in the rising trend of unrepresented persons in courts (UNODC, 2016). In Malaysia alone, a justice audit conducted jointly by the International Centre for Law and Legal Studies and the Governance Justice Group (GJG) in 2011 found that only 861 accused persons were represented by the LAD out of the total 139,278 guilty pleas entered in the Sessions and Magistrate courts across the country (International Centre for Law and Legal Studies and Governance Justice Group, 2011). The justice audit also reported that in 2011, the LAD had conducted a total of 161 legal aid clinics in prisons and another 1,017 legal aid clinics in community halls. In addition, the LAD had operated 267 one-stop-centers in courts in the same year. However, the impacts of these outreach activities are not presented.

Public awareness is intimately related to the efforts made by the LAD, the LAC and the NLAFF to reach out to their respective targeted beneficiaries. Apart from having lawyers and legal officers with adequate experience involved in outreach activities, there are other aspects, which need to be considered when it comes to raising awareness especially among the vulnerable non-citizens. These include the targeted places in which the outreach activities are conducted, the kind of information being distributed, and the appropriate language used during such activities. Equally important is collaboration with NGO partners or other agencies helping the vulnerable non-citizens to remedy their issues. On this particular point, the LAC deserves an appreciation for its far-reaching initiatives to collaborate with NGOs such as TENAGANITA and the Malaysian Trade Union Council (MTUC) in providing legal advice, representation and mediation-related services to migrant workers and refugees (Legal Aid Center, 2017).

Perception from the beneficiaries are also crucial to determine whether awareness is indeed a real factor contributing in many unrepresented cases in courts involving non-citizens in Malaysia. Another Bangladeshi migrant worker (2) shared that he had never benefited from any legal aid service by the LAD, the LAC or the NLAFF. In fact, he pointed out that it was the first time he heard about these institutions. He further added, as follows:

“Many Bangladesh migrant workers only know about our embassy. If we have issues with the agents or employers, we go straight to the embassy for help. But we all know that embassy lacks staffs, but they have a few officers capable

to help us. The embassy never referred us to the institutions you mentioned, except some NGOs which I could not remember their names”.
(A Bangladeshi migrant worker (2))

Similarly, a Myanmar Chin refugee (1) claimed that he was unaware of the availability of legal aid assistance provided by the LAD, the LAC and the NLAF. Many Chin refugees face risk of imprisonment for working illegally in Malaysia. Some of them were brought to courts, and unrepresented by any competent legal counsels that could defend them. Consequently, they were sentenced in prisons for a certain period, upon completion of imprisonment some of them were deported back to Myanmar.

Obviously, the lack of awareness does contribute in the rising cases of unrepresented non-citizens brought after the courts in Malaysia. The actual number of these similar cases are difficult to establish for a simple logic that they are not systematically reported. Most importantly, the lack of access to legal aid will have significant security implication as they may be repatriated upon finishing their sentences. As for the case of genuine refugees, such repatriation is a clear infringement of the non-refoulement principle, which prohibits country to return asylum seeker to a place or country where their life would be in danger.

Conclusion and policy recommendations

Legal aid system in Malaysia has seen a steady progression from the day the government-led legal aid scheme was established in 1970 until recent years. The presence of the private-led legal aid scheme under the Bar Council’s LAC reinforces the national legal aid scheme, by reaching out to various segments of society who are unable to access government-led legal aid service. The establishment of the NLAF scheme in 2011 perceived as a breakthrough in the history and development of legal aid, paving the way for a more robust public-private partnership in the provision of legal aid in the future. Of the three main legal aid providers, only the LAC has clearly included the vulnerable non-citizens as its targeted beneficiaries. For the LAD, though the Legal Aid Act (1971) does not consider the status of nationality as a requirement for the provision of legal aid, the LAD prioritizes its services to national citizens due to the existing limitations it faces. The NLAF, in the meantime, has made it clear that its legal aid assistances are only extended to Malaysian citizens except for immigrant children on selected criminal cases.

In this study, four key barriers in the provision of legal aid services to the vulnerable non-citizens are highlighted as follows; (i) limited scope of legal aid’s coverage; (ii) financial constraint; (iii) limitation in private lawyers’ participation in legal aid schemes; and (iv) the lack of awareness. Such barriers forced the legal aid providers to prioritize their services to Malaysian citizens, and hence compromising the access to legal aid among the vulnerable non-citizens. Drawing from Rawls’s theory of justice, this study concludes that the failure of social institutions especially the legal aid institutions to provide adequate access to legal aid among the vulnerable non-citizens suggest unfair distribution of justice in Malaysia.

To improve the distribution of justice toward the vulnerable non-citizens in Malaysia, this study further suggests five broad policy recommendations as follows; (i) to expand the scope of legal aid services covering pressing transnational issues such as trafficking in persons, as well as to provide legal representation, conducting watching brief and acting as counsel to the vulnerable non-citizens (email correspondence, Women’s Centre for Change, 2017); (ii) to widen the eligible groups of beneficiaries including the non-citizens; (iii) to collaborate and partner with NGOs, corporate entities and academic institutions in the implementation of legal education, awareness and empowerment. Such collaboration would

also allow the legal aid providers to share knowledge, information and expertise; (iv) to review the set criteria for a means test particularly on the monthly income of the applicants in order to reflect the current and reasonable income status of the targeted beneficiaries; and (v) to diversify source of funding including attracting private and corporate entities to contribute financially to legal aid providers.

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