



**Asia Pacific
Refugee Rights
Network**

ASEAN Must Ensure Protection for Refugees and Asylum Seekers in the Region

Bangkok, 20 June 2020: On the occasion of World Refugee Day 2020, and ahead of the 36th ASEAN Virtual Summit on 26 June, we, the Asia Pacific Refugee Rights Network (APRRN), the Asian Forum for Human Rights and Development (FORUM-ASIA), and Progressive Voice (PV), call upon ASEAN leaders to address growing xenophobia toward undocumented migrants, refugees, and asylum seekers at all levels and to prioritize core principles of human rights, including non-refoulement, access to asylum, and protection under customary international law.

We urge ASEAN leaders to enact a comprehensive and coordinated regional response toward the Rohingya refugee crisis, to ensure life-saving access to asylum, and to address the root causes of Rohingya flight so that repatriation may one day be possible.

We are deeply concerned by the recent refusal of some ASEAN Member States to allow territorial access to people seeking safety. In the past months, both Malaysia and Thailand have refused disembarkation for boats of Rohingya refugees in distress, many on the brink of death from starvation, and often having been at sea for months.

Most recently, on 8 June, Malaysian authorities intercepted a boat and arrested 269 Rohingya, threatening to deport them to Bangladesh, the latter stating their refusal to accept them. While Bangladesh has not engaged in pushbacks, they have intercepted boats and redirected Rohingya refugees to Bhashan Char, a flood-prone island with limited access to resources, restrictions on movement, and other life-threatening challenges.

We, as people and civil society representatives in ASEAN, observe with concern that fear surrounding COVID-19 has increasingly become instrumentalised by States to justify restricting access to asylum and cracking down on minority migrant populations. For example, on 16 April, the Malaysian Navy refused the disembarkation of a boat carrying approximately 200 Rohingya refugees, citing COVID-19 protection measures as justification. Malaysian authorities have also used COVID-19 to legitimize rounding up and detaining migrant men, women, and children. ASEAN must work to ensure member states refrain from normalising restrictive policies enacted during the COVID-19 pandemic and using them to circumvent international obligations.

We are also greatly alarmed by the sharp rise in xenophobic and anti-Rohingya sentiment in Malaysia and the lack of a regional condemnation of hateful rhetoric. Equally concerning was Malaysia's Ministry of Home Affairs' dehumanizing language in its 30 April media release, which used the term "rat holes" to describe how Rohingya and other refugees and undocumented migrants entered Malaysian territory.

ASEAN governments must not accept hatred and division as a consequence of pandemic-related fear. Instead, ASEAN should ensure proportionate access to services during the pandemic, including COVID-19 testing and treatment, and equal protection for all people, including asylum seekers and refugees, both at the state and regional levels.

While there is an ongoing effort by the ASEAN Intergovernmental Commission on Human Rights to call on ASEAN leaders to uphold and protect human rights during the pandemic, little has been done to address the unique challenges and experiences of refugees and asylum seekers in the region. It is imperative for ASEAN leaders to develop a coordinated, comprehensive, and actionable plan that addresses both the proximate problems, such as the ongoing boat crisis, and root problems concerning the Rohingya. When States fail Rohingya men, women, and children, they are failing ASEAN people. Until cooperative action is taken, the region, as a whole, will continue to face costly, destabilizing, and dangerous developments in response to rising divisionism.

Further, ASEAN Member States should continue shouldering the duty of care for the populations of Myanmar who have been displaced due to the ongoing conflict in the country, including in Rakhine, Chin, Karen, Kachin, and Shan states. For the nearly 100,000 refugees along the Thailand-Myanmar border, the failing peace process and the ongoing human rights violations in Myanmar remain deeply concerning. These, coupled with the drastic decrease in funding toward refugee support, are making it difficult for refugees to maintain their livelihoods in the nine camps along the border, effectively creating circumstances so untenable that some return to Myanmar, despite risk of persecution. ASEAN must hold Myanmar to account for its role in creating a regional refugee crisis, one that could be meaningfully resolved through determined ASEAN action.

We call on ASEAN Member States to:

- Uphold and respect the human rights and fundamental freedoms of all people in accordance with international human rights standards and norms;
- Respect international obligations under customary law regarding the principle of *non-refoulement*;
- Cease 'pushbacks', interception, and other measures designed to obstruct access to territory;
- Ensure a fair, efficient, safe, and transparent process for asylum seekers and refugees within their territories and access to the United Nations High Commissioners for Refugees (UNHCR);
- Deploy immediate life-saving search and rescue missions and provide humanitarian assistance and medical treatment where required;
- Activate mechanisms to develop a comprehensive and coordinated response to the Rohingya boat issue, such as those under the Bali Process, including calling upon the latter's co-chairs, Australia and Indonesia, to activate the process;
- Take immediate action to counter dangerous xenophobic narratives against undocumented migrants, refugees, and asylum seekers;
- Ensure that the needs and concerns of refugees and asylum seekers are included in all policies in response to COVID-19, including relief packages;
- Call on Myanmar to create enabling conditions for the safe, voluntary, and sustainable repatriation of refugees, including for Myanmar to take concrete steps towards a

genuine peace process that addresses the root causes of the conflict, which entails ending the ongoing military offensives, removing military from ethnic areas with villager settlements as a priority and to hold the Myanmar military to account for human rights violations.

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The Asia Pacific Refugee Rights Network is an open and growing network consisting of more than 434 civil society organisations and individuals from 29 countries committed to advancing the rights of refugees in the Asia Pacific region. We do this through information sharing, mutual capacity building, and joint advocacy. (aprrn.info)

The Asian Forum for Human Rights and Development (FORUM-ASIA) is a Bangkok-based regional network of 81 member organisations across 21 Asian countries, with consultative status with the United Nations Economic and Social Council, and consultative relationship with the ASEAN Intergovernmental Commission on Human Rights. Founded in 1991, FORUM-ASIA works to strengthen movements for human rights and sustainable development through research, advocacy, capacity-development and solidarity actions in Asia and beyond. It has sub-regional offices in Geneva, Jakarta, and Kathmandu. (www.forum-asia.org)

Progressive Voice is a participatory rights-based policy research and advocacy organization rooted in civil society, that maintains strong networks and relationships with grassroots organizations and community-based organizations throughout Myanmar. It acts as a bridge to the international community and international policymakers by amplifying voices from the ground, and advocating for a rights-based policy narrative. (www.progressivevoicemyanmar.org/)