



Malaysia: Release detained migrants and address growing discrimination against Rohingya refugees

(Bangkok, 6 May 2020) - The Government of Malaysia must release the migrants it has detained and address the growing discrimination against Rohingya refugees in order to effectively address the COVID-19 pandemic, said the Asian Forum for Human Rights and Development (FORUM-ASIA), and its members in Malaysia, Suara Rakyat Malaysia (SUARAM) and Pusat KOMAS.

On 1 May, celebrated as a public holiday to observe Labour Day, the Malaysian Government rounded up and detained hundreds of migrants including children and Rohingya refugees in its capital, Kuala Lumpur, as part of its response to COVID-19. Inspector General of Police Tan Sri Abdul Hamid Bador argued that the large-scale joint operations were to ensure that undocumented migrants did not leave identified areas and risk the spread of the disease, citing difficulties in contact tracing.¹ The migrants are said to be detained in immigrant detention centres until the lifting of the country's movement control order.

In response, civil society took to social media to stage an online protest against the 'dehumanisation of migrants and refugees' on 3 May. Authorities were urged to stop the criminalisation of migrants and release those who were detained. Protest demands also called for detainees to be ensured access to adequate healthcare, and for all relevant stakeholders – including detainees, their families and human rights institutions – to have access to arrest-related information.

'The Government can adequately respond to COVID-19 without risking the lives of migrants and asylum seekers. Detaining vulnerable migrants is unjustified and can only be counterproductive in Malaysia's efforts to contain COVID-19,' said FORUM-ASIA's Executive Director, Shamini Darshni Kaliemuthu. 'The Government of Malaysia must immediately release these detained individuals and abide by its international obligations to protect the most vulnerable.'

Despite recommendations from United Nations High Commissioner for Human Rights Michelle Bachelet for governments to centre their COVID-19 responses on human rights, governments, including that of Malaysia, have been adopting authoritarian measures detrimental to marginalised groups. In many of these cases, COVID-19 responses have become the cover to further human rights violations against communities and fuel existing inequities. In April, Malaysia denied entry to 200 Rohingya asylum seekers citing concerns over COVID-19 transmission.

¹ https://www.bernama.com/en/general/news_covid-19.php?id=1837660

Recent weeks have also seen a surge of hate speech and threats against Rohingya refugees, as the public grows increasingly frustrated from the effects of the pandemic. Rohingya refugees have become the subject of vilification on social media, with claims that several of these verbal attacks have come from individuals connected to political parties.

‘Malaysia's actions against the Rohingya – the denial of entry, the crackdown on undocumented migrants and asylum-seekers – as well as hate speech from the public, highlight growing discrimination against an extremely vulnerable group,’ stressed SUARAM Executive Director Sevan Doraisamy. ‘The government should address this by ensuring an inclusive response to the pandemic, and reassuring the public that Rohingya refugees are not a threat.’

Bachelet further states that measures enacted in light of the pandemic must remain legal, proportionate, necessary, and non-discriminatory.² The Rohingya, who suffer systematic discrimination and whose identity remains unrecognised by Myanmar and many ASEAN Governments, are increasingly becoming the scapegoat for public frustration.

Hate speech against the Rohingya in recent years have incited violence and facilitated the commission of genocide and other crimes against humanity in Myanmar. Discriminatory actions such as the targeting of a stateless group, as well as an uncurbed anti-Rohingya sentiment, could have deadly implications not only for the Rohingya in Malaysia, but across the region.

In a recent statement, the ASEAN Intergovernmental Commission on Human Rights (AICHR) urged the ASEAN Governments to work together to promote and protect human rights of all people, especially the rights of vulnerable groups.³

‘Malaysia, and all of ASEAN, should heed the UN and AICHR’s call to promote and protect the rights of vulnerable groups, including their civil, political and economic rights,’ said Faribel Maglin Fernandez of Pusat KOMAS.

Malaysia and the rest of the international community have a duty to ensure access to adequate healthcare for all individuals, regardless of documentation status. Migrants and refugees need to be included in national responses to COVID-19 for States to effectively contain the virus and protect public health.

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

² https://www.ohchr.org/Documents/Events/EmergencyMeasures_COVID19.pdf

³ <https://aichr.org/news/press-release-on-coronavirus-disease-2019-covid-19-by-the-asean-intergovernmental-commission-on-human-rights-aichr/>

actions in Asia and beyond. It has sub-regional offices in Geneva, Jakarta, and Kathmandu. www.forum-asia.org

Suara Rakyat Malaysia (SUARAM) is an independent human rights organisation which is not linked to any other agencies. SUARAM's main objective is the protection and realisation of human rights in Malaysia regardless of the government-of-the-day.

Pusat KOMAS is a human rights popular communications centre set up in August 1993 to empower especially the indigenous peoples, urban poor, workers and civil society organisations to advocate for human rights in Malaysia.

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