

Save lives at sea!

The Asia Pacific Refugee Rights Network (APRRN) urges Indonesia, Thailand and Malaysia to act immediately to rescue thousands of women, men and children stranded at sea. Reports suggest that as many as 8000 migrants from Bangladesh and ethnic Rohingya refugees from Myanmar are at this very moment languishing in the middle of the Straits of Malacca and the Andaman Sea, aboard boats without adequate food, water or sanitation. While some people have been able to disembark in Indonesia and Malaysia, we are shocked that some boats have been pushed back to sea.

All States have an obligation under international customary law to rescue people in distress at sea. The governments of Indonesia, Thailand and Malaysia must immediately cease pushing boats back to sea and must launch search and rescue missions without delay to locate these boats. It is vital that these governments provide safe disembarkation to passengers on all boats and provide desperately needed humanitarian assistance.

The Rohingya have suffered systematic ethnic discrimination, exclusion, violence and human rights abuses in Myanmar for many decades.¹ The 1982 Citizenship Law of Myanmar renders them stateless.² The protracted and deteriorating situation in Myanmar has resulted in thousands of Rohingya men, women and children seeking refuge in neighbouring countries, most notably Bangladesh, Indonesia, Malaysia and Thailand. In desperation, they have turned to people smugglers and traffickers. Without legal status they are highly vulnerable to human rights abuses including arbitrary arrest, indefinite detention and *refoulement*. The horrific discovery of bodies in mass graves near abandoned camps in southern Thailand over the past few weeks demonstrates the extensiveness and brutality of human trafficking in Thailand and Malaysia.

We wish to express our support for the development of a regional solution to the plight of the Rohingya founded upon the recognition of and respect for their rights. Any regional solution must be based upon the following fundamental principles:

- Refuge must be granted to those in need of international protection.
- In accordance with customary international law, no refugee or migrant should be refouled
- The rights of refugees and migrants must be respected

We urge all governments to work in cooperation with the United Nations High Commissioner for Refugees (UNHCR) to ensure that all passengers in boats are screened to determine their need for international protection. We also call upon the international community to support regional solutions.

¹ These abuses include, but are not limited to, forced labour, forced eviction, land confiscation and severe restrictions on freedom of movement.

² <http://www.equalrightstrust.org/view-subdocument/index.htm?id=875>

APRRN urges ASEAN governments, in particular Indonesia, Malaysia and Thailand, to immediately:

- Cease pushing back boats
- Conduct search and rescue operations to save the lives of those at sea
- Ensure that all those rescued have full and equal access to humanitarian assistance and protection
- Work with the government of Myanmar to respect, protect, and fulfil the human rights of the Rohingya

This rapidly evolving humanitarian crisis demands a collaborative, regional and multi-sectoral response. APRRN stands ready to support governments in fulfilling their obligations.

While APRRN statements are prepared in consultation with APRRN members, they do not necessarily reflect the views of all APRRN members.