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To the Governments of the Association of South East Asian Nations (ASEAN), Australia, and Bangladesh

OPEN LETTER ON THE REFUGEE AND MIGRANT CRISIS IN SOUTH EAST ASIA

One month after 17 countries gathered in Bangkok to discuss the refugee and migrant crisis in South East Asia, we are writing to you to express our deep concern at the continuing lack of concrete and regionally-coordinated measures to tackle the current crisis and its long-standing root causes.

The Special Meeting on Irregular Migration in the Indian Ocean in Bangkok, and the announcement by the governments of Indonesia and Malaysia that they would continue to provide humanitarian assistance and temporary shelter for up to 7,000 refugees and migrants, are welcome steps towards addressing the current situation.

However, it is imperative that further regionally coordinated and concrete measures are taken to fully respond to the humanitarian principle to save lives, to ensure that the human rights of migrants and asylum seekers are protected and respected, and to provide long-term regional solutions that address the root causes of the crisis.

We call on you to take a more concerted regional approach to maintain, strengthen and coordinate search and rescue operations to save people in distress.

Under the law of the sea, international human rights law and customary international law, your governments are obliged to not push back boats arriving in your territories. Instead, people should be assisted to land safely in previously identified and established safe disembarkation places with adequate reception arrangements for those rescued.

It is also imperative that you fulfil your international law obligations to not transfer anyone to a country where their life would be at risk, or where they would face persecution or torture. Among those arriving by boat have been Rohingya from Myanmar who, as refugees and stateless people, are in need of international protection. As such, we call on you to ensure that people seeking asylum are able to access fair refugee status determination procedures and humanitarian assistance with the support of UNHCR, and are provided with effective temporary protection pending a durable solution. Governments should also work together to support people who do not need international protection and who freely wish to return home, and enable them to do so safely and with dignity.

In addition, in line with international standards, we urge you to not arbitrarily detain refugees or migrants, and to seek alternatives to their detention.

Finally, while it is important to combat trafficking and take effective action to investigate and prosecute those responsible for these crimes, people will remain vulnerable to exploitation while unbearable conditions persist at home. Your respective governments must jointly make a sustained effort to address the root causes of the crisis. The Bangkok Summit failed to specifically address the decades-long systemic discrimination and persecution of the Rohingya in Myanmar.

When lives are known to be at risk, states have an obligation to save them. When people are known to be vulnerable to human rights violations and abuses, states have an obligation to protect them. As a

consequence, we, the executive directors of 16 Amnesty International sections across the world, along with over 60,000 signatories of our petition, urge you to take the following steps as a matter of priority:

- Ensure that search and rescue operations to locate and assist boats in distress continue;
- Assist all boats carrying refugees and migrants to land in the nearest safe country and not push them back, threaten or otherwise intimidate them; and identify and establish safe disembarkation places with adequate reception arrangements;
- Fulfil the immediate humanitarian needs of refugees and migrants including food, water, shelter and health care;
- Ensure that people claiming asylum are able to access fair refugee status determination procedures; and respect the rule of non-refoulement, by ensuring that people are not transferred to any place, including their country of origin, where they would be at risk of serious human rights violations or abuses;
- Ensure that individuals are not criminalized, detained or otherwise punished solely for their method of arrival to a country;
- For those countries that have not yet done so, ratify the UN Convention relating to the Status of Refugees, its 1967 Protocol and the UN Convention relating to the Status of Stateless Persons and implement these instruments in law, policy and practice;
- Immediately call on the government of Myanmar to end all discrimination in law, policy and practice against the Rohingya; as a first step they should have equal access to citizenship rights based on objective criteria that comply with the principle of non-discrimination.

We express our sincere hope and confidence that you will share the responsibility of acting on these recommendations.

Yours sincerely,

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