



Recommendations regarding the Human Rights of Rohingya

Kuala Lumpur, Malaysia, 7 September 2024

1. We, the participants from refugee rights organizations in Malaysia, gathered for the Regional Consultation to Strengthen the Advocacy for Rohingya: Strategies and Regional Collaboration that was organized by Beyond Borders Malaysia, Asia Justice and Rights (AJAR), Asia Pacific Refugee Rights Network (APPRN) and ASEAN Parliamentarians for Human Rights (APHR) in Kuala Lumpur on 6-7 September 2024.
2. We are disturbed by the human rights situation in Myanmar after the coup in 2021 which deteriorated the existing political crisis in the country. We are also alarmed by the fact that despite the international attention and efforts in addressing the situation related to Rohingya human rights, significant challenges persist in ensuring their right to life, safety, and dignity, particularly in Maungdaw and Buthidaung. Furthermore, we are troubled by the intentional complete communication blackout in Rakhine since January 2024 which prevents us from obtaining information on the situation in Rakhine.
3. We are deeply concerned that even though Rohingya have been denied their Myanmar citizenship, the State Administration Council (SAC) has abducted and forcibly recruited more than 1,000 Rohingya men as young as 15 years old for military training under the recent conscription law. We are bothered knowing that those who refuse to join the military will be beaten to death as punishment.
4. We observed and documented that due to their legal status, Rohingya refugees are vulnerable to exploitation by traffickers and criminals, and lack legal assistance and protection within and outside of the country. Rohingya refugees have no access to justice or any public access.
5. We are concerned that Rohingya refugees have been confronted by man-made and natural hazards and daily health risks in their camps, such as infectious diseases, chronic illnesses, mental health issues, sexual and reproductive health issues, and gender-based violence.
6. Given the series of structured, massive, and planned incidences related to the persecutions and killings of the Rohingya by the Myanmar military, we perceived the

Rohingya crisis as a genocide, which refers to a crime committed with the intent to destroy a national, ethnic, racial or religious group, in whole or in part as provided by the Genocide Convention.

7. We observe that the revocation of citizenship, rendering the Rohingya stateless, initiated and exacerbated the campaign of genocide.
8. In fact, as human beings, Rohingya are entitled to human rights as enshrined under international human rights law, such as the Universal Declaration of Human Rights, the United Nations Convention on the Rights of the Child (CRC), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention on the Rights of Persons with Disabilities (CRPD), which all ASEAN Member States (AMS) are parties. The right to seek asylum and freedom from discrimination are stated in the ASEAN Human Rights Declaration.
9. On the other hand, we see the opportunity for advocacy given that the Philippines and Cambodia have ratified the Refugee Convention of 1951. Accordingly, we call on the Philippines to use its chairship role in ASEAN in 2026 to advance regional refugee protection in ASEAN.
10. We applaud the efforts of civil society organizations (CSOs), including women organizations in Indonesia, Malaysia, and Thailand that have worked tirelessly to assist Rohingya refugees in different areas such as education for children, food, mental health, citizenship issues, as well as countering hate speech against Rohingya despite all legal and political limitations in the countries. We also commend advocacy work by CSOs in changing policy toward Rohingya Refugees by approaching religious and cultural leaders, local parliamentarians, academia, and student leaders, and lobbying policymakers and relevant government officials to improve the policy on Rohingya Refugees.

Therefore, we call on **ASEAN and the ASEAN Intergovernmental Commission on Human Rights (AICHR)** to:

11. Recognize the term 'Refugee' in ASEAN deliberations and policies, and develop a regional refugee protection policy and mechanism to address the issues better and ensure the rights of refugees in the region.
12. Prioritize and improve the visibility of Rohingya refugees in ASEAN's agenda.

13. Strengthen regional collaboration to protect those who are distressed at sea during irregular migration in accordance with the United Nations Convention on the Law of the Sea and the ASEAN Agreement on Aeronautical And Maritime Search And Rescue Cooperation.
14. To refrain from acknowledging SAC as the legitimate government in Myanmar and engage with the National Unity Government (NUG), National Unity Consultative Council (NUCC), and Ethnic Resistance Organizations (ERO).
15. Review the ASEAN Charter, including the implementation of the non-interference principle vis-a-vis the principle of human rights and the prevention and punishment of genocide.
16. Work with NUG, ERO, and CSOs to distribute humanitarian assistance to the wider public.
17. Redefine the mandate and identify the action of the ASEAN Coordinating Centre for Humanitarian Assistance (AHA Centre) in addressing man-made disasters.
18. Develop policies for private sectors and state-owned enterprises for not supporting and assisting the Myanmar military in finance and fund-related matters.

We also call on **ASEAN Member States** to:

19. Ratify the UN Refugee Convention of 1951 and its 1967 Protocol and use it as a national and regional framework for refugee protection in Southeast Asia. As the core principle of the 1951 Convention is non-refoulement which has become customary international law, we urge AMS not to return refugees to a country where they face serious threats to their life or freedom.
20. Share responsibilities among AMS to protect refugees and provide humanitarian support.

Specifically, we appeal to the **Malaysian Government** to:

21. Draft and adopt national legislation to recognize and protect refugees.
22. Cease arbitrary arrests and detention of Rohingya refugees and accord legal recognition of their status as stateless.

23. Provide basic needs (affordable healthcare, formal education, and right to work) and emergency support for refugees.
24. Remove reservations on the CRC, specifically [Article 28 \(1\) \(a\)](#) which limits free and compulsory education only for the citizens of Malaysia, permanent resident holders, and those in compliance with the local law, and excludes refugees, from accessing education.
25. Include a literacy program on the rights of refugees in the national school curriculum to improve the acceptance and treatment of refugees, including Rohingya.
26. Take immediate efforts to release all Rohingya refugee children from Baitul Mahabbah and detention centers to government-initiated community placement programs.
27. Grant the United Nations High Commissioner for Refugees (UNHCR) access to detention centres to register all unregistered Rohingya as refugees and facilitate their release and the release of existing UNHCR documents or card holders.
28. Develop and implement the Women, Peace, and Security framework.

Furthermore, as the **Chair of ASEAN 2025**, we urge the Malaysian Government to:

29. Integrate refugee protection into the ASEAN Vision 2045 and its work plan which will be adopted during Malaysia's chairship in 2025.
30. Engage directly with the Rohingya youth, victims, vulnerable, and marginalized groups in developing policies and priorities for the ASEAN Chair's deliverables in 2025.
31. Establish clear and close working relations and coordination between the ASEAN Chair's Special Envoy on Myanmar, the UN Special Envoy on Myanmar, and the Independent Investigative Mechanism for Myanmar (IIMM).

Moreover, we call on the current interim **Government of Bangladesh** to provide an opportunity for engagement and dialogue with the Rohingya on issues related to their rights, humanitarian support, and accommodation.

In this opportunity, we also would like to recommend **Parliamentarians in Southeast Asia** to take all necessary measures to:

32. Counter hate speech against refugees and contribute to the changing of the narrative on refugees, including on Rohingya.
33. Bring the voices and represent the concerns of Rohingya in Parliamentary sessions and in any forum that fits.
34. Host a regular public hearing on the Rohingya situation to obtain updated information regarding the Rohingya crisis.
35. Engage more with relevant stakeholders including CSOs, to develop and strengthen national legislation, budget, oversight guidance, and foreign policy on refugee rights protection and refugee-inclusive programs and policies.
36. Monitor the implementation of the Five-Point Consensus and provide constructive recommendations to make it effective.

We perceive the important and strategic role of the **United Nations (UN)** in the promotion and protection of the rights of refugees, and therefore we call on them to:

37. Be more transparent in engaging with stakeholders, including with organizations working on Rohingya refugee rights, youth, and women groups.

We are committed to continue working with CSOs and encourage them to:

38. Extend, strengthen solidarity and empower Rohingya refugees and voice their concerns by using regional platforms, such as the ASEAN Civil Society Conference (ACSC)/ASEAN Peoples Forum (APF).
39. Engage with the Ministry of Foreign Affairs (MOFA) of AMS to push for the establishment of a comprehensive and integrated regional refugee protection mechanism.
40. Develop a CSO framework on refugee protection in ASEAN based on international human rights standards.