

Malaysian government cannot ignore its commitment to refugee protection

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As a member of international community and particularly the United Nations Human Rights Council the government must show a strong commitment in upholding the highest standards in the promotion and protection of human rights.

Malaysia is also a signatory to two United Nations treaties namely the Convention on the Rights of a Child (CRC) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The spirit of both the conventions is rooted in the goals of the United Nations to reaffirm faith in fundamental human rights and in the dignity and worth of the human person.

The South East Asian region has its share of political and humanitarian crises and Malaysia, as a member state of Asean and as the proponent of the Asean Charter, cannot close its eyes to this reality and ignore its human rights and humanitarian commitments.

AI Malaysia is also concerned with the attitude of the Foreign Minister on the role of United Nations High Commission on Refugees (UNHCR) in Malaysia. We reiterate our position that the UNHCR is a United Nations body here to assist the government in providing assistance and protection to asylum seekers and refugees in the spirit of international solidarity and burden sharing. The UNHCR is also an important partner for the government to work with since we have yet to ratify the 1951 Refugee Convention.

Refugees in Malaysia go through stringent test and screening before they qualify for protection. Such high standards are maintained by the UNHCR to ensure protection for genuine refugees. The protection accorded by UNHCR is termed as International Protection, in line with the function and mandate given to this body.

AI Malaysia would also like to remind the Malaysian government that refugee concerns are not merely a national concern but an international concern and therefore requires a more consolidated approach. Malaysia must therefore abide with the concept of international solidarity and burden-sharing in relation to refugees, that has been present since the inception of UNHCR in 1950.

It is therefore vital for the Malaysian government to support the work of UNHCR and other multilateral organizations in meeting the needs of the world's most vulnerable people. This multilateral approach is a matter of principle that refugee assistance should be a shared, international responsibility.

It is also ironic that the government has blamed the UNHCR for the "flood" of refugees when it is known widely that Myanmar asylum seekers and refugees, who consist of a large portion of the refugees in this country, continue to flee human rights violations and persecution in their home country. Amnesty International has continued to document the detention of over 1,000 political prisoners and serious human rights violations against ethnic minority civilians, including forced labour by the military.

Until the Malaysian government works with ASEAN countries to resolve the political and human rights crisis in Myanmar, we will continue to see refugee flows into our country.

Background

The concept of burden-sharing and international solidarity can be found in the preamble to UN 1951 Convention relating to the Status of Refugees which states that the granting of asylum may place unduly heavy burdens on certain countries, and that a satisfactory solution of a problem of which the United Nations has recognized the international- scope and nature cannot therefore be achieved without international co-operation. Even though Malaysia is not a signatory to the 1951 Convention, the preamble contained in the Convention is an important guiding principle for states when addressing the concerns of refugees and places a duty on the state to make multi party arrangement both internationally and nationally with various stakeholders.