

India: Protect the right to life and stop deportation of 40,000 Rohingyas

(Bangkok/Kathmandu, 24 August 2017) The Asian Forum for Human Rights and Development (FORUM-ASIA) strongly condemns the position taken by the Government of India to deport 40,000 Rohingyas back to Burma/Myanmar. In the face of allegations of gross human rights violations against Rohingya Muslims in Burma/Myanmar, this decision is not only a serious violation of customary international human rights law but also morally unpalatable.

Certain right wing parties like Shiv Sena have been demanding the deportation of the Rohingya since the beginning of the year, while some Bharatiya Janata Party (BJP) legislators also raised this demand in legislative assemblies.¹ The Deputy Minister of Home Affairs, Kiren Rijiju, on 9 August confirmed that “the government has issued detailed instructions for deportation of illegal foreign nationals including Rohingyas,”² strategically refraining from using the term ‘refugees’ for the Rohingyas. It is pertinent to note that the 16,500 Rohingyas registered with the United Nations Refugee Agency (UNHCR) are also subject to the government’s deportation policy. Justifying the government’s stance, Rijiju deems these registrations to be irrelevant as India is not a signatory to the 1951 Refugee Convention.³

Non-refoulement,⁴ a fundamental principle of international refugee law, states that no person should be returned to a country where they face persecution. The said standard is accorded the status of Customary International Law therefore binding in nature regardless of its ratification. Numerous human rights organisations have documented the xenophobic persecution of Rohingyas in Burma/Myanmar, including denial of citizenship, killings and rapes, amounting to crimes against humanity. Considering these circumstances, deporting Rohingyas who face imminent threat to life and liberty is a complete transgression of the principle of non-refoulement.

FORUM-ASIA urges the Government of India to abandon any measures that would result in the deportation of vulnerable communities, like Rohingyas facing imminent threat to their life and liberty, and respect international customary laws on ‘non-refoulement’. FORUM-ASIA encourages the Government of India to ratify the 1951 UN Convention relating to the status of refugees, as recommended during the Universal Periodic Review of India, and reiterates that India maintains a refugee policy in conformity with international law standards.

FORUM- ASIA further encourages India, as a member of the United Nations Human Rights Council, to support the Council’s resolution for an international fact-finding mission to Burma/Myanmar, which was

¹ <http://www.thecitizen.in/index.php/NewsDetail/index/1/11526/India-to-Deport-40000-Rohingya-Refugees-Despite-Protest-From-UNHCR-Human-Rights-Bodies>

² <https://www.hrw.org/news/2017/08/17/india-dont-forcibly-return-rohingya-refugees>

³ <https://www.reuters.com/article/us-myanmar-rohingya-india-idUSKCN1AU0UC> "They are doing it, we can't stop them from registering. But we are not signatory to the accord on refugees"- Kiren Rijiju

⁴ Article 33(1) of 1951 United Nations Convention relating to the Status of refugees: No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.

initiated in part after assessing the risks to Rohingyas in the country.⁵

About FORUM-ASIA:

FORUM-ASIA is a regional human rights group with 58 member organisations in 19 countries across Asia. FORUM-ASIA has offices in Bangkok, Jakarta, Geneva and Kathmandu. FORUM-ASIA addresses key areas of human rights violations in the region, including freedoms of expression, assembly and association, human rights defenders, and democratization.

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⁵ <http://www.aljazeera.com/news/2017/08/india-plans-deport-thousands-rohingya-refugees-170814110027809.html>