



Commonwealth Human Rights Initiative



June 22, 2020

Jail Mail: World Refugee Day 2020 - Every Action Counts

Dear Friends,

Greetings from CHRI!

Asghar (10) fled from Myanmar with his mother, Noorie (30) and a younger brother Ismail (3) to escape starvation and killings. The family was separated after being apprehended and arrested at the border. Asghar, currently confined in a children's home in India, awaits the day he can reunite with his mother and brother.

Asghar is not alone, there are many more, in similar situations confined in homes, detention centers and prisons across the country. It is [stated](#) that every minute 20 people leave everything behind to escape war, persecution or terror. These include refugees, asylum seekers, stateless persons, internally displaced persons and returnees. This 20th June, on World Refugee Day – a day designated to honour the strength, courage and resilience of refugees and displaced people – one must remind the world that everyone, including refugees, can contribute to the society and every action counts in the effort to create a more just, inclusive and equal world. Initiated in 2001, this day is observed every year by thousands of people across the world, to show solidarity with those, fleeing violence in a bid to keep themselves and their families safe.

India has historically hosted many refugee communities even in the absence of a domestic refugee law. But more recently the practices have evolved to provide protection to a few, and be less tolerant towards others. As the world witnesses the wrath of the COVID-19, refugees and asylum seekers are particularly vulnerable and at a heightened risk due to lack of access to primary health services and other social protections. They also face restrictions on movement, and live under the constant fear of detention under the Foreigner's Act 1946. Some are facing prosecution, and continue to be detained in prisons across India. The confinement often continues after completion of their sentence, wherein they are left to choose between being deported to the country they fled or to remain in detention indeterminately. For instance, Salima Begum (68) and Md Islam (72) both fled from Myanmar to India in fear of persecution, but were soon apprehended, prosecuted and incarcerated. Years went by, and with no hope of release in India, deportation was their only chance to freedom, even though they had family members residing in India.

All persons in detention, including refugees and asylum seekers are extremely vulnerable to COVID-19 given the overcrowded spaces and inadequate healthcare facilities. In March 2020, Office of High Commissioner for Human Rights (OHCHR), International Organization for Migration (IOM), UNHCR and WHO jointly called for protecting the rights and health of refugees and migrants who are stateless during COVID-19 crisis. In their [press release](#) the organisations also called for release of refugees and migrants held in formal and informal places of detention. The United Nations Network on Migration in its statement on [COVID-19 and Immigration Detention](#) recommended for 'focusing on development of non-custodial alternatives based in the community'. It also laid down detailed practical recommendations for governments and other stakeholders. Soon after, Amnesty International [urged](#) the

governments of USA, Mexico, Canada, Curacao and Trinidad and Tobago for immediate release of migrants and asylum seekers from immigration detention so they can be safe from COVID-19. To know more on the COVID-19 spread amongst displaced communities, you can access this [webpage](#) curated by [Techfugees](#) to collate this information country-wise. The Institute on Statelessness and Inclusion, Netherland has recently released the [impact report](#) confirming and reinforcing the threat of the pandemic visible especially for the marginalised and stateless.

UNHCR's theme for this year's World Refugee Day campaign is 'Every Action Counts'. On this day, CHRI would like all of you to stand in solidarity with these communities and take efforts to create a more just, inclusive, and equal world. Some suggestions on what you could do are given below:-

Individuals/media representatives/civil society

- Document and share experiences of asylum seekers and refugees including those in detention to highlight their vulnerabilities and concerns.
- Engage in dialogue with stakeholders on the need to protect the rights of refugees and asylum seekers without discrimination on any basis.
- Provide support and assistance to refugees and asylum seekers through donations, including ration, clothes, soaps, masks etc.

Prison officials

- Ensure that all precautionary measures are taken to prevent spread of virus inside all places of detention. You may refer to CHRI's Guidelines on '[COVID-19 and Prisons: Ensuring an effective response](#)'.
- Ensure proper communication channels are established for all prisoners including refugees and asylum seekers to ensure communicate with families and lawyers from inside detention centres and prisons.

(To understand the concerns and applicable legal frameworks for asylum seekers and refugees you may peruse CHRI's resource [Guide for Prison Officers - Refugees & Asylum Seekers](#).)

Lawyers

- Undertake cases of refugees and asylum seekers in detention, and apply for their release before competent courts.
- Assist in making interventions before forums such as the High Powered Committees setup by the Supreme Court recently to decide categories for release of prisoners in attempts to decongest prisons due to COVID-19 situation.

(To understand more on the applicable legal framework on refugees and asylum seekers, you may peruse CHRI's resource [A Basic Guide - Defending Asylum Seekers in Detention](#).)

Please feel free to write to us at chriprisonprog@gmail.com with your comments and suggestions.

Regards,

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