

EDITOR, NEWS DESK

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**SUHAKAM URGES HALT TO FURTHER RETURNS AND
PROTECTION OF CHILDREN**

KUALA LUMPUR (1 OCTOBER 2026) - The Human Rights Commission of Malaysia (SUHAKAM) is deeply concerned by the repatriation of 1,476 Myanmar nationals from Malaysia on 29 September 2026, including 27 children, some reportedly as young as eight years old.

The returns come at a time when conflict, displacement and serious human rights violations continue in Myanmar. Recent United Nations reporting points to continuing violence and a worsening human rights situation affecting civilians and vulnerable communities. In these circumstances, the safety and protection needs of every person must be carefully considered before any return takes place.

The principle of non-refoulement protects a person from being returned to a place where they face a real risk of persecution, torture or other serious harm. This principle is enshrined in Article 33 of the Refugee Convention of 1951 and has crystallised into customary international law. Being a principle of customary international law, this principle binds all States regardless of whether or not the States are parties to the Refugee Convention. This means that Malaysia, although not a party to the Refugee Convention, is bound to adhere to this principle. Hence, Malaysia is prohibited by international law to repatriate any refugee or asylum seeker to Myanmar if there is a reasonable risk that his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion. Any violation of this cardinal principle is a violation of international law.

This protection applies regardless of nationality or immigration status and requires the risks faced by each person to be properly assessed before any return takes place. This was also emphasised by the UN Committee on the Elimination of Discrimination against Women (CEDAW Committee) in its 2024 Concluding Observations on Malaysia. The Committee called on Malaysia to fulfil its non-refoulement obligations towards women and girls in need of international protection and to ensure that no individual is expelled without an individual risk assessment.

A return described as “voluntary” must also be genuinely voluntary. Individuals must be able to make an informed decision, without pressure or coercion, and with sufficient information about the conditions they may face upon return. They must also have a meaningful opportunity to raise concerns about their safety and protection before any decision to return them is made. Such “voluntary” decision must be determined by an independent authority such as the UNHCR and not by the Immigration Department.

Children require particular protection. As a State Party to the Convention on the Rights of the Child (CRC), Malaysia has an obligation to protect the rights of every child within its jurisdiction, regardless of nationality or immigration status. Under Article 3 of the CRC, the best interests of the child must be a primary consideration in all decisions affecting them. The CRC also protects every child's right to life, survival and development, and their right to be heard in matters affecting them. Article 22 further provides for appropriate protection and humanitarian assistance for children seeking refugee protection, whether accompanied, separated or unaccompanied. These protections are particularly important where a child may be returned to a country affected by conflict, displacement and serious human rights violations.

SUHAKAM therefore urges the Government to ensure that no further returns to Myanmar take place without a proper assessment by an independent authority of each person's protection needs and the risks they may face upon return. Particular attention must be given to children, refugees and asylum seekers, victims of trafficking, and others in vulnerable situations. Relevant international protection actors should also be given appropriate access to assist in identifying those in need of protection.

**MEDIA STATEMENT
HUMAN RIGHTS COMMISSION OF MALAYSIA (SUHAKAM)**

Malaysia has the responsibility to manage migration and national security, but this must be carried out consistently with its international human rights obligations. Any return must be genuinely voluntary and informed, with adequate safeguards to ensure that no person is returned to a situation where they face a real risk of serious harm. SUHAKAM further calls on the Government to be transparent about any planned returns and to disclose the relevant information on those identified for repatriation, including the breakdown previously requested by SUHAKAM. Greater transparency is essential to ensure that protection needs can be properly identified, particularly where children and other vulnerable persons are involved, and to provide assurance that Malaysia's human rights obligations are being fully observed.

No child should be returned to danger. Their safety, dignity and best interests must come first. Malaysia's commitment to human rights must ultimately be reflected in how these principles are applied when the lives, safety and well-being of vulnerable people are at stake.

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**Human Rights Commission of Malaysia (SUHAKAM)
1 October 2026**