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NGO Statement on Asia and the Pacific
Agenda item 3(a) iv

Thank you, Chair.

This statement has been drafted in consultation with, and is delivered on behalf of, a wide range of NGOs from the Asia Pacific region. It reflects the diversity of views within the NGO community.

Introduction

NGOs remain deeply concerned by the lack of protection for asylum seekers, refugees, IDPs and stateless people in most countries of the Asia Pacific region. Many asylum seekers and refugees remain unregistered, undermining their ability to obtain effective protection, rendering them vulnerable to severe rights violations including arbitrary detention, lack of access to healthcare, education, and lawful employment, exploitation and sexual and gender-based violence and, most seriously, refoulement to countries where they are likely to suffer persecution. Once again, NGOs call upon states to protect and uphold the human rights of all forced migrants.

Ratification of the 1951 Refugee Convention and Introduction of national refugee legislation

NGOs remain concerned by how few countries in the Asia Pacific region are states parties to the 1951 Refugee Convention and/or its 1967 Protocol. NGOs call upon governments to ratify these treaties, and develop national legislation to ensure protection. We encourage states which have signed other international human rights instruments to extend the associated protections to all people of concern. Australia’s highly controversial but continuing policy of processing and detaining asylum seekers (including children) in offshore centres, and the refoulement of asylum seekers seeking protection by boat, alarms NGOs. We urge all states signatory to the Refugee Convention to respect their obligations under international law.

Regional Cooperation

NGOs urge governments to enhance regional cooperation through adopting rights-based and humanitarian approaches to addressing conditions in refugees’ source, hosting and destination countries, and stand ready to support governments in this endeavour. NGOs recommend that effective and sustained systems be developed between states and civil society to ensure a protection-focused approach to managing practical and humanitarian aspects of irregular migration and human trafficking.
NGOs appeal to UNHCR and states to realise the commitments made during the 2014 High Commissioner’s Dialogue on Protection at Sea and two Special Meetings on ‘Irregular Migration in the Indian Ocean’ by developing more comprehensive response mechanisms that value human life, dignity and protection from refoulement as grounded in international law.

**Durable solutions**

NGOs are concerned by the limited durable solutions available to refugees in the region, particularly for protracted situations. This results in refugees being forced to consider unsafe and irregular onward migration channels and heightens their susceptibility to trafficking. NGOs appeal to UNHCR and states to expedite resettlement processing times and available spaces.

NGOs recognise the decreasing opportunities for resettlement and encourage UNHCR to strengthen dialogue with states on integrating refugees into local host communities. Findings show that refugees and migrants contribute significantly to the development and economy of host countries. We call upon UNHCR to discourage voluntary repatriation while conditions remain unstable and refugees are unable to return safely and with dignity, for example to Afghanistan and Myanmar.

**Alternatives to Immigration Detention**

Despite some progress, the use of immigration detention remains of mounting concern. NGOs welcome steps taken by governments in the region to develop alternatives to detention and prevent unnecessary and damaging detention practices. NGOs commend UNHCR’s Regional Office in Bangkok for its engagement with civil society, especially the co-organisation of a ‘Regional Expert Roundtable on Alternatives to Immigration Detention for Children’, and follow-up actions.

States must ensure that the right to liberty is ensured for those seeking international protection, that detention is only ever used as an absolute last resort, and that children and other vulnerable groups are not subject to detention. The psychological health impacts of detention, especially on children and babies, are of particular concern. NGOs appeal to all states to refrain from criminalising people seeking asylum, and instead put human rights, dignity and protection above securitisation of national borders.

**Refugee Status Determination (RSD)**

NGOs acknowledge the unprecedented predicament facing UNHCR in managing the increasingly large caseload of people requiring Refugee Status Determination (RSD) verification. NGOs are concerned about refugees’ restricted and inconsistent access to due process, and the varied processes used by countries. These processes may have adverse effects on asylum seekers, as refugee recognition itself offers limited protection. UNHCR is falling short of meeting its own procedural guidelines on RSD, including unacceptably long waiting times for interviews, and we urge UNHCR to ensure consistency, fairness and transparency.
Statelessness

NGOs remain concerned at the low levels of accession to both Statelessness Conventions, and call upon states to take steps to ratify treaties and develop national legislation to ensure the reduction and elimination of statelessness.

NGOs welcome the UNHCR-led #IBelong campaign to end statelessness by 2024, and urge states to fully support it. NGOs are committed to working with all stakeholders to solve statelessness through strong legal, political and diplomatic engagement and multidisciplinary approaches.

NGOs urge UNHCR and states to enhance protection for stateless refugees, such as Rohingya, and especially those languishing (sometimes indefinitely) in appalling conditions in detention facilities. We appeal to all governments to explore a regional solution that would strengthen protection and provide durable solutions for stateless Rohingya across the region. The root causes of forced migration must be addressed, and regional and international responses take into account and provide for both immediate protection, and durable solutions to statelessness.

Internally Displaced Persons (IDPs)

Civil society commends countries which have developed frameworks to protect IDPs, however remain concerned over the absence of effective implementation. Access to displaced populations is of utmost concern, and we urge Myanmar’s newly-elected government to grant unrestricted access to IDPs (especially in Northern Rakhine State) by UNHCR and NGOs on humanitarian grounds. Restrictions on freedom of movement, access to basic services and livelihood activities further contribute to the deterioration of humanitarian and security conditions in Myanmar resulting in more people forced to flee Myanmar and seek refuge elsewhere.

Education, health and livelihoods

NGOs acknowledge the challenges within the context of complex emergencies of managing displaced populations in the region, and the shifting focus from resettlement to local integration as a durable solution. Nevertheless, NGOs express concern over ineffective systems which fail to provide protection and basic services for refugees while fully supporting UNHCR’s efforts towards sustainable livelihoods strategies especially for urban refugees.

A longer version of this statement is available at www.icvanetwork.org.

Thank you, Chair.