EXECUTIVE COMMITTEE OF THE
HIGH COMMISSIONER’S PROGRAMME
STANDING COMMITTEE
68th Meeting
14-16 March 2017

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 working in the Asia Pacific region. It reflects the diversity of views within the NGO community.

On the Ratification of the 1951 Refugee Convention and Introduction of National Refugee Legislation

Noting that only 20 of the 45 countries in the Asia Pacific region are State parties to the 1951 Convention Relating to the Status of Refugees and/or its 1967 Protocol, NGOs call upon States to ratify these Conventions and to also develop national legislation to safeguard refugees and asylum seekers.

In Indonesia, we welcome the Presidential Decree adopted on 31 December 2016 and we urge the Indonesian government to immediately begin implementing the regulation.

NGOs continue to be alarmed by policy changes that rollback the international obligations of those States that have signed and ratified the Refugee Convention. We urgently call on all State parties to the Refugee Convention to respect their obligations under international law.

On Regional Cooperation

NGOs welcome the Bali Declaration on People Smuggling, Trafficking in Persons, and Related Transnational Crime and the Bali Process Review of Region’s Response to Andaman Sea Situation in May 2015 as positive steps towards regional cooperation.

However, we remain gravely concerned about the rapidly deteriorating conditions in northern Rakhine State due to the Myanmar military crackdown against Rohingyas launched in October 2016. NGOs call upon the government of Myanmar to provide unfettered humanitarian access in Rakhine State and urge the Bali Process member States to fulfill their commitment “to address the root causes of irregular movement of persons and forced displacement.”
**On Durable Solutions**

NGOs appeal to UNHCR and states to ensure faster resettlement processing times and increased resettlement spaces including from countries in the region such as Australia, Japan, New Zealand and South Korea. NGOs also encourage UNHCR to strengthen dialogue with states on the feasibility of integrating refugees into local host communities.

In case of voluntary repatriation for refugees on the southeast border of Myanmar, we call upon UNHCR to guarantee the informed decisions of refugees in line with international standards of dignity, voluntariness of the decision to return, and safety.

NGOs are concerned by reports of forced returns of Afghan refugees given that return conditions in Afghanistan remain far from conducive. We encourage UNHCR to consult with NGOs more regularly by establishing appropriate regional coordination forums to enable joint advocacy and facilitate pragmatic planning arrangements. A longer-term Proof of Registration (PoR) card extension period agreement is especially important to ensure Afghan refugees can stay in dignity in Pakistan until it is genuinely safe for them to return to Afghanistan.

**On Alternatives to Immigration Detention**

Despite some progress, States in the region continue to use arbitrary immigration detention practices and refugees continue to face prolonged, and in some cases, indefinite periods in detention. NGOs call upon governments in the region to explore and strengthen the use of alternatives to detention to prevent unnecessary and damaging detention practices. States must ensure that immigration detention is only ever used as an absolute last resort and that children and other vulnerable groups are not subject to immigration detention.

NGOs commend the ruling by the Papua New Guinea Supreme Court that the Manus Island detention centre is unconstitutional and deprives asylum seekers and refugees of their liberty. We call on the governments of Papua New Guinea and Australia to immediately close the centre and to facilitate resettlement in Australia or a safe third country.

NGOs welcome the Thai government's recent engagement on a potential screening process. We express serious concern over the indefinite detention of refugees in Immigration Detention Centers (IDCs) and closed government-run shelters. The suspension of the bail system in mid-2016 heightened the risks of indefinite detention or the potential of refoulement. We therefore call on the Thai government to end all arbitrary and indefinite detention of asylum seekers and refugees and reinstate the bail system to ensure that asylum seekers and refugees meaningfully enjoy alternatives to immigration detention.

**On Refugee Status Determination (RSD)**

Unfortunately, UNHCR’s RSD procedures in countries across the region continue to vary significantly, and often include long and opaque recognition procedures. NGOs call upon UNHCR to ensure a consistent, fair, transparent and easily accessible registration process in line with UNHCR's protection mandate that follows set standards.
In Malaysia, we welcome UNHCR's decision to allow legal aid representatives to attend RSD interviews. However, we are concerned that access to the UNHCR remains limited for certain refugee populations. We therefore encourage UNHCR to work towards greater transparency with regards to and easier access to information on UNHCR's registration and RSD processes.

In Australia, NGOs have expressed grave concern about changes to RSD processes for people who arrived by boat. These include: the narrowing of the definition of who is a refugee under Australian law; the limited timeframes for people to make protection applications; their lack of access to appropriate legal and language support to fill in applications, and; restrictions placed on access to review in the case of a negative decision.

**On Statelessness**

NGOs remain concerned at the low levels of accession to both the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. Governments should take steps to ratify these treaties, as well as develop national legislation to ensure the reduction and elimination of statelessness.

Of particular concern to NGOs are developments that undermine protection and can perpetuate statelessness, especially obstructions to civil registration. NGOs urge the Myanmar government to amend the 1982 Citizenship Law and bring it in line with international standards in order to prevent and combat statelessness, and provide Rohingya with equal access to full citizenship rights.

**On Education, Health and Livelihoods**

NGOs welcome the efforts undertaken by the Government of Iran to open its health and education systems to refugees and to work with NGOs to establish systems to regularize different categories of undocumented Afghans.

NGOs support efforts by UNHCR to design and implement a sustainable livelihoods strategy for urban refugees. The dramatically reduced likelihood of resettlement points to the importance of unencumbered access by refugees and asylum seekers to basic services such as education, healthcare and civil registration, as well as the right to a standard of living adequate for their health and well-being.

A longer version of the statement will be made available on ICVA’s website at icvanetwork.org

Thank you, Chair.