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

Chair,

This statement has been drafted in consultation with a wide range of NGOs.

NGOs remain deeply concerned by the overall lack of protection for persons of concern in most countries of the Asia Pacific region. We remain particularly concerned about the situation of displaced women and girls who continue to face endemic SGBV. With very limited opportunities for voluntary repatriation, local integration or resettlement, this leaves many desperate and in legal limbo for long periods.

First, NGOs call upon States to ratify the 1951 Convention and to develop legislation in line with international standards of refugee protection and the goal of eliminating statelessness. States party to other human rights instruments should also ensure they provide the associated protections.

We have noted positive developments in the region: In September 2016, the Thai Government has shown vision through its Leaders’ Summit commitment to develop a “screening mechanism” and ensure non-detention of children. Indonesia enacted the Presidential Regulation on the Handling of Foreign Refugees in 2016, which contemplates documentation and alternatives to detention among other improvements. In Malaysia, UNHCR’s involvement has contributed to a reduction in arrests of refugee card-holders. The government is considering a registration and documentation scheme, and is piloting a project to allow up to 300 Rohingya refugees to work legally. The Philippines issued its Revised Rules for the Issuance of Work Permits to Foreign Nationals, and refugees were included among those who are exempted in the work permit requirement.

Second, while NGOs commend Bangladesh for hosting the large number of Rohingya refugees, NGOs are concerned that Myanmar and Bangladesh struck a premature repatriation deal. Repatriation must be safe and voluntary but safety cannot be assured at this stage. Pre-requisites for repatriation must include: an end to violence inside Myanmar, coupled with access for humanitarian actors to all affected communities; UNHCR leadership to ensure voluntariness of those deciding to return; and peace and reconciliation schemes. Implementation of the Rakhine Advisory Commission recommendations provide a clear starting point.

Addressing the Rohingya refugee crisis is a shared responsibility and Bangladesh should be supported. The international community must provide resettlement places, financial, humanitarian and development support, while asserting political pressure on Myanmar. All countries must provide access to asylum and prima facie recognition to Rohingya refugees.
Third, NGOs are concerned over the **limited durable solutions** available to refugees in the region. NGOs appeal to UNHCR and states, particularly Australia, Japan, Korea, and New Zealand, to ensure faster resettlement processing times for more persons displaced in Asia. NGOs further appeal to States to remove obstacles to local integration, ensure legal access to labor markets, education and health care for refugees and asylum-seekers, in order to reap the inherent economic and social benefits.

On voluntary repatriation, we call on UNHCR to guarantee the informed consent of refugees in line with international standards of dignity, voluntariness, and safety. It is important that UNHCR and States actively involve refugees and their communities in all stages of the process.

Looking at specific situations, NGOs believe the short Proof of Registration card extension periods in Pakistan create a continual sense of insecurity and uncertainty for displaced Afghans. The international community must share the responsibility of hosting and assisting displaced Afghans by urgently and substantially scaling up its support to Afghanistan neighbouring countries. In Iran, NGOs welcome the government initiative to provide Social Security Insurance for refugees and encourage further expanded coverage for families in need. On the Thailand-Myanmar border, NGOs are concerned about declining support for refugees and pressure for premature large scale return.

Given the relationship between internal displacement and cross-border movements including returns, additional emphasis should be placed on achieving durable solutions within countries of origin. One important first step would include incorporating the IDP Guiding Principles into national laws and policies.

Fourth, 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 also ensure that children and other vulnerable groups are not subject to immigration detention.

NGOs welcome the steps taken by Thailand to implement alternatives to detention. Yet, given concerning high numbers of detained children in Malaysia, the government should continue discussing the possibility of a pilot on alternatives to detention for unaccompanied and separated children. In Indonesia, despite provisions in the Presidential Decree for children and other vulnerable groups to be placed in community shelters, the focus appears to be on institutional, rather than community-based care arrangements.

NGOs express concern about Australian government policies that shift responsibility onto other States such as interception at sea and relocation for third-country processing. Australia must address the growing humanitarian emergency for refugees stranded on Manus Island.

NGOs continue to support UNHCR’s Global Detention Strategy but encourage further collaboration with civil society when implementing action plans and translating key documents into local languages.
Fifth, NGOs continue to express concern about asylum systems in Japan, Korea, and Hong Kong which fail to respect international standards, and maintain extremely low recognition rates.

The introduction of new chapters in UNHCR’s Procedural Standards on legal representation and interpretation in Mandate RSD is welcome, as well as UNHCR’s decision to allow legal representatives to attend RSD interviews and review transcripts in Thailand and Malaysia. MoUs signed for the provision of legal services and representation between UNHCR and legal aid providers in both countries is also welcome. In Malaysia, NGOs note with concern that thousands of Rohingya refugees remain unregistered.

Finally, statelessness affects more people in the Asia Pacific than in any other region of the world.

The Afghan government’s decision to issue ID cards for Afghans living abroad is welcome, but its capacity is very limited. NGOs strongly recommend scaling up international community support to help the Afghan government implement this decision.

All governments must take steps to map statelessness issues, eradicate discriminatory laws, policies and practices that cause and perpetuate statelessness and establish procedures to identify and protect stateless persons.

Thank you.