NGO statement on the Asia and the Pacific

Dear Chair,

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

NGOs remain concerned by the overall state of protection and severe rights violations across the Asia Pacific region. We therefore wish to make the following observations:

Despite significant displacement and high humanitarian needs, only 20 of the 45 countries in the region are party to the Refugee Convention or 1967 Protocol. Without a legal or administrative asylum framework, refugees and asylum seekers remain at risk and sometimes face refoulement. People deserving of protection are often subjected to arbitrary and indefinite detention, compounding a number of significant rights violations. In this context, NGOs commend Malaysia’s move to ratify the Refugee Convention and Protocol. We encourage States in the region to heed this example to improve refugee protection.

On Rohingya refugees:
Nearly one million Rohingyas have sought protection in Bangladesh, including women, children, and elderly people. They have fled blatant human rights violations in Rakhine State. NGOs commend Bangladesh for its response despite many challenges but caution against forcibly relocating refugees. Moreover, pursuing repatriation plans without due regard for international norms may lead to rights violations and contribute to regional instability. Perceived threats resulted in refugees going into hiding, eschewing support structures, and attempting suicide. Any future action requires greater transparency, refugee inputs, and independent monitoring to ensure safe, sustainable, voluntary, dignified processes.

While commendable, NGOs found that the Solidarity Approach put forward in 2018 was insufficiently focused on rights and protection, with low emphasis on voluntary returns and accountability. The Rohingya refugee crisis calls for shared responsibility to address root causes while exploring durable solutions. Solidarity with countries hosting Rohingyas is needed, including financial and development support, and increased resettlement.

On Cessation of Status for Chin Refugees
Last year’s decision to end international protection for Myanmar Chin refugees living in India and Malaysia set a dangerous precedent, putting 35,000 refugees at risk of refoulement. Despite Myanmar’s democratic transition, fundamental changes have yet to materialise for ethnic minorities, with demonstrable improvements; return is therefore still not possible. Consequently, NGOs express deep concern about UNHCR’s decision and alarm at the limited legal counselling and messaging.

NGOs urge UNHCR to halt cessation proceedings pending a comprehensive review of its appropriateness. Information gathering missions to Chin State should be undertaken and information conveyed to exiled Chin populations. All parties should work to build stronger mechanisms to ensure a rights-based approach to returns.

On Durable Solutions
Limited prospects for durable solutions exist in the region. As a result, refugees face increased risks, including trafficking, SGBV, exploitation, and abuse. NGOs therefore appeal to UNHCR and States, particularly Australia, Japan, Korea, and New Zealand, to increase resettlement opportunities. NGOs also appeal to host states to remove obstacles to local integration, thus recognizing the benefits refugees bring to societies.

With regard to repatriation, NGOs remain concerned by the pace of refugee returns to Afghanistan, where security remains volatile. NGOs are also concerned about signs of declining support for refugees in Thailand and about the situation of refugees detained on Manus Island and Nauru. We call on Australia to find durable solutions for them.

NGOs also encourage a holistic approach to solutions that integrates planning and policy for IDPs and returning refugees. We recommend incorporating the Guiding Principles on IDPs into national laws.

On Alternatives to Detention
Despite progress, the continued use of arbitrary detention as a migration management tool across the region remains alarming. NGOs call upon governments to explore and strengthen the use of alternatives to detention, especially for unaccompanied and separated children. We commend steps taken in this direction and encourage further progress based on exchanges of best practices. We support UNHCR’s Beyond Detention Strategy but encourage further collaboration with NGOs when implementing it and translating policy into local language and national practice.

On the Global Compacts and CRRF
NGOs urge States to show leadership by fulfilling commitments made through the Compacts, including on access to asylum and basic rights; labour mobility for self-reliance; and on upholding non-refoulement. NGOs also commend Afghanistan for being the first country in Asia to apply the CRRF. This paves the way for sustainable reintegration of Afghan returnees and their inclusion into national priorities. This is also an opportunity to build upon the Solutions Strategy and develop a region-wide policy reflecting the whole of society approach. NGOs look forward to an inclusive CRRF process and call for involving civil society in talks held between UNHCR, Afghanistan, Iran and Pakistan.

On Refugee Status Determination
NGOs remain concerned about the state of asylum systems across the region, which sometimes fail to respect international standards and maintain very low recognition rates. The lodging of repeat applications to avoid refoulement, marginalisation, and other risks is alarming and an avoidable cost to state systems. As such, NGOs welcome UNHCR’s Procedural Standards on Legal Representation and RSD, and encourage implementation. NGOs welcome UNHCR’s decision to allow legal representatives to attend RSD interviews in some contexts, and underscore the critical role legal advising plays in adjudication of asylum claims. We encourage UNHCR to expand its cooperation with legal aid providers and call for greater transparency in registration and RSD.

On Statelessness
Statelessness affects more people in the Asia Pacific than in any other region. In addition to stateless Rohingyas, large in situ stateless communities lack access to civil registration, particularly due to ethnic and gender discrimination. NGOs welcome efforts to issue ID cards and produce screening mechanisms, but remain concerned about processing times, access, and thorough implementation. Improved protection will require governments to better map statelessness issues, eradicate discriminatory laws, and condemn practices triggering and perpetuating statelessness.

A detailed version of this statement is available on icvanetwork.org

Thank you.