

NGO Statement on Asia and the Pacific

Dear Chair,

This statement is delivered on behalf of a wide range of NGOs.

The pandemic exacerbates the lack of protection for forcibly displaced and stateless persons, further exposing gaps in national legal protection and human rights frameworks in the region. While some non-signatory States host significant numbers of displaced persons and address urgent humanitarian needs, severe rights violations persist, including arbitrary detention, SGBV, *refoulement*, lack of access to justice, education, lawful employment, and, critically, healthcare.

Furthermore, the current pandemic does not discriminate based on legal status. To effectively protect all persons within territories and rebuild economies, States must include displaced and stateless populations in their COVID-19 response plans.

Specifically, on ensuring protection, NGOs wish to raise the following:

In 2020, over 2,000 Rohingya refugees, including women and children, took arduous journeys across the Andaman Sea, despite border closures. Acehnese fishermen and communities rescued 400 Rohingyas at sea for months, effectively creating humanitarian access and providing protection in Indonesia. The fundamental human right to seek asylum and the prohibition of *refoulement* must not meet exceptions during pandemics. Nevertheless, States have practiced pushbacks. Quarantine upon arrival, as in Indonesia, is a reasonable intervention during COVID-19. Still, the implementation of a rights-respecting regional framework for prevention, search-and-rescue, and predictable and timely disembarkation, are urgently needed to avoid further senseless deaths. People must have the right to claim asylum and a fair process.

Also, when regressive policies, practices, or legislative changes are proposed, UNHCR should robustly exercise its protection mandate and States should increase refugee protection and access to rights. Recent legislative decisions in Hong Kong and South Korea are of serious concern.

Finally, NGOs encourage UNHCR, governments, and other stakeholders to ensure refugees' meaningful participation in decision-making with relevant access, resources, and support. For example, including Rohingya refugees in repatriation and relocation discussions.

On specific displacement situations in the region:

NGOs are deeply concerned about deteriorated conditions within Rakhine State. The recent military coup also further undermined prospects for safe, dignified, and voluntary return to Myanmar for **Rohingya**. Bangladesh, other states and stakeholders, should expand the scope of solutions for Rohingya refugees, including through local integration, temporary protection, resettlement, and access to work rights. Additionally, NGOs need greater cooperation from Bangladesh and financial

support from the international community, as current humanitarian support is woefully insufficient with consequences on planned interventions ensuring education, protection, and self-reliance.

The increasingly alarming security situation in camps, particularly the construction of a barbed-wire fence around camps in Cox's Bazar District, the armed groups, and COVID-19 restrictions, severely limit humanitarian access and undermine Rohingya refugees' rights. Bangladesh must ensure security in camps, but not at the expense of refugees.

The voluntariness of relocations to **Bhashan Char** and the quality of protection and services available are also of concern. Bangladesh should give UNHCR unfettered access for independent assessments of the experiences and needs of refugees on Bhashan Char, including those rescued at sea in April 2020.

In Myanmar, UNHCR must urgently advocate for IDPs' protection, including those displaced by land grabs and recent attacks. UNHCR is also urged to mobilize international partnerships and to insist on respect of international law, including for the principal duty bearer. Especially, we encourage UNHCR to take all feasible measures against forced return by military authorities.

In Afghanistan, as the humanitarian situation continues to deteriorate, with the secondary effects of COVID-19, and a faltering economy, durable solutions for displaced Afghans including IDPs remain scant. In 2020, Afghanistan witnessed the largest number of undocumented returns on record, mostly from Iran, including over 320,000 deportations.

UNHCR must continue to support Afghanistan, Iran, and Pakistan, and promote a strategic vision to find sustainable solutions across the region, including in involving NGOs in the Solutions Strategy for Afghan Refugees and its Support Platform.

NGOs also recommend ensuring actions on the following:

1. *Refugee women and girls*

Refugee women and girls are often the first responders to communities' needs, but they also continue to suffer from serious human rights abuses, including SGBV and lack of access to justice, preventive measures, and adequate legal representation. Rates of GBV have spiked in 2020, especially domestic and intimate partner violence, forced and child marriage cases. Women and girls are at heightened risks of sexual exploitation and trafficking.

States and UNHCR must include refugee women and girls in rapid risk and impact assessments and meaningfully consult them. Implementing a gender-sensitive response to the pandemic and the recovery phase is essential.

LGBTIQ+ forcibly displaced also experience high rates of SGBV. States must address the multiple and intersecting forms of discrimination, in partnership with LGBTIQ+ refugee-led organisations, to afford their immediate safety, including through resettlement.

2. *Detention*

The use of immigration detention continues despite COVID-19, under harsh conditions and limited access to health services. For instance, in 2020, in a xenophobic context, the Malaysian authorities massively arrested displaced people. In Hong Kong, the government announced plans for wider and more prolonged use of immigration detention. States who reduced their use of immigration detention are encouraged to maintain this stance beyond the pandemic, other States are encouraged to explicitly prohibit immigration detention, and to grant UNHCR unrestricted access to detention centres.

In Thailand, 54 Uyghur asylum seekers are in prolonged and arbitrary detention since 2014 with no access to legal representation. Recently, 18 of them were reportedly moved out to an unknown destination. Neither extradition clauses nor security concerns shall avail States from their duty to abide by the non-*refoulement* principle.

3. ***Statelessness***

Statelessness is prevalent throughout the region, with a growing number of vulnerable populations denied citizenship and basic rights. Statelessness contributes to barriers to obtaining documentation, denial of access to health, increased poverty, and the risk of detention. COVID-19 exacerbates these challenges and is used to spread xenophobia, with non-citizen populations being targeted as public health risks. We urge states to address statelessness across the region.

Further details are available at icvanetwork.org

Thank you.