

EXECUTIVE COMMITTEE OF THE  
HIGH COMMISSIONER'S PROGRAMME  
STANDING COMMITTEE  
77th Meeting  
10-12 March 2020

### **NGO statement on the Asia and the Pacific**

Dear Chair,

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

NGOs remain deeply concerned by the lack of legal protection frameworks in the Asia Pacific. Only 20 countries in the region are party to the Refugee Convention or its Protocol. Some non-party States nevertheless host many displaced populations and support humanitarian aid. NGOs call upon states to respect and uphold the human rights of all persons seeking protection, particularly women and girls, the elderly, and people with disability.

In 2019, we witnessed positive developments in the region. The Philippines reiterated their 'open door policy', offering citizenship to Rohingyas. Malaysia, started considering the formation of a refugee framework providing access to services. Last December the Thai cabinet approved a new National Screening Mechanism to legalise recognised 'protected persons' in the country. NGOs commend such progress and the increasingly collaborative approach with civil society in countries like Thailand. We also believe officials should be trained to assess refugee claims and deal with trauma survivors.

Less positively, NGOs witnessed increasing forced returns to countries of origin, particularly in the ASEAN subregion and from Iran to Afghanistan. Unaccompanied minors are particularly affected. NGOs call upon governments to uphold their *non-refoulement* obligations and avoid putting refugee lives at risk.

There were also alarming developments in India, particularly since the adoption of the Citizenship Amendment Act, a legislation that appears exclusionary, discriminatory and violative of fundamental rights.

NGOs are also concerned by the implementation of a National Register of Citizens, an arbitrary exercise that resulted in the exclusion of about 1.9 millions people in the state of Assam, who now risk disenfranchisement, detention and becoming stateless. The special status of Kashmir, a Muslim majority state was also controversially revoked in August. Overall, NGOs call upon the international community to advocate with India to follow a human right-based governance.

Turning to the Rohingya situation, we note that despite humanitarian efforts, Rohingya refugees continue to have restricted access to basic rights and services in congested camps. Restrictions have been imposed on communications and barbed wire fences are being erected around the camps, causing anxiety and negatively affecting refugees, host communities and humanitarian operations.

Many NGOs also faced increased restrictions, thereby delaying the delivery of life-saving services. NGOs nevertheless welcome the education pilot programme led by the government and UNICEF. While Bangladesh's continued willingness to host this large population is highly commendable, NGOs remain concerned by the emphasis on return. The August repatriation failed despite the deep desire for return among Rohingya refugees. Viable and secure conditions in Myanmar simply do not exist. UNHCR and the government should work to ensure greater transparency and meaningful consultations with refugees, enabling informed decisions. An independent international monitoring mechanism should ensure safe, voluntary, and dignified processes.

Refugees have made it clear that safe and dignified return must include accountability for crimes committed, and respect for their human rights, including through the ICJ. NGOs call on the international community to continue addressing the root causes of the crisis in Myanmar.

NGOs remain deeply concerned with the grave human rights and humanitarian crisis within Myanmar. Serious violations have been documented, including indiscriminate attacks, arbitrary detention, and SGBV. Many displaced communities are in desperate need of assistance, including IDPs trapped in camps in central Rakhine.

Finally, we wish to raise 5 thematic issues:

#### **1. Detention:**

The deliberate use of immigration detention as a tool for migration management across the region remains a serious concern, especially as it affects children. NGOs welcome steps taken by countries like Thailand, to implement alternatives to detention. Other governments should explore and strengthen similar measures.

NGOs express serious concern about Australian harmful detention policies, especially in Nauru and in Papua New Guinea. Over the past 6½ years, 12 people have died, most due to medical negligence and suicide. We are deeply concerned that the Medevac legislation was repealed. NGOs also call on Australia and PNG to ensure protection from return under duress.

#### **2. Refugee Women and Girls**

In many contexts, women and girls face critical protection and participation issues, such as SGBV, a largely underreported and underaddressed phenomenon. They are also increasingly victims of trafficking across borders. IDP women and girls from Kachin and Northern Shan State in Myanmar or young girls in the crowded camps in Bangladesh are smuggled for marriage and work. Refugee women and girls in camps along the Thai-Burma border are among the most affected by the drastic reduction of resources and support. Immediate and durable solutions should be sought, in partnership with refugee women groups.

#### **3. The Global Refugee Forum**

Last December, NGOs were encouraged to see a strong consensus on refugee participation. We urge stakeholders to promote self-representation and ensure meaningful refugee participation in designing and implementing programmes. Participation must be genuine – not tokenistic – and accompanied with resources and support from UNHCR and other stakeholders.

NGOs commend Pakistan for pledging towards granting citizenship to Afghan refugees born in the country. UNHCR should continue to assist Pakistan in seeking durable solutions and sustainable reintegration of Afghan returnees. We request greater engagement of civil society in shaping the Afghan CRRF and the Support Platform.

#### **4. Statelessness**

UNHCR reports about 2.2 million stateless people in the Asia Pacific, more than in any other region. Forced migration, discriminatory laws, policies and practices linked to gender, race and religion have significantly contributed to statelessness. Lack of civil registration can increase risks and the fate of children born in exile is a particular concern.

NGOs call upon governments to increase efforts to eradicate discriminatory laws, and publicly condemn practices that cause and perpetuate statelessness. We commend Kyrgyzstan for becoming a leading example in eradicating statelessness.

#### **5. UNHCR's Regionalisation**

NGOs express optimism that this process will enhance collaborative approaches, including the meaningful involvement of affected populations and grass-roots organisations in policy design and evaluation. NGOs look forward to the upcoming Consultations in Bangkok.

A detailed version of this statement is available on [icvanetwork.org](http://icvanetwork.org)

Thank you.