

NGO Statement on Asia and the Pacific

Dear Chair,

This statement has been drafted in consultation with a wide range of NGOs. While the full diversity of the NGO community's views and experiences cannot be covered in a brief statement, we appreciate the opportunity to highlight several key issues.

Refugees, asylum seekers, internally displaced persons (IDPs), and stateless populations across Asia continue to face a multitude of protection risks, as well as a dwindling ability to access durable solutions. Legal and policy frameworks remain flimsy, thereby resulting in conditions that often preclude affected persons from accessing basic services, protection, and durable solutions. Important issues of concern across many parts of the region include: violations of basic human rights – particularly of women, children and stateless persons – limited asylum space, inadequate access to education, *refoulement*, deportations, arbitrary detention, an inability to access livelihoods, and discriminatory nationality laws – including on the basis of gender, ethnicity, race and religion. Many of these issues are exacerbated by repeated climate hazards in the region.

NGOs recommend action on the following:

1. Increasing support for Afghans within Afghanistan

The humanitarian situation inside Afghanistan is worsening at a rapid pace. Current data suggests 3.4 million people¹ are internally displaced, 17 million will face acute levels of hunger in 2023, and nearly 3.2 million children will also be affected by severe and moderate acute malnutrition². With a crumbling economy, and two-thirds of people unable to afford their basic needs, it is expected that the situation for Afghans will only continue to deteriorate.

We also remain deeply concerned by violations of women's rights with the increasingly harsh restrictions imposed upon women and girls in Afghanistan including limitations on freedom of movement, access to education, and employment opportunities, especially in the governmental and non-governmental sectors. Specifically, as it pertains to aid provision, the ban on female NGO workers announced in December 2022 has meant that the humanitarian system has struggled to ensure that women and girls are able to receive equal access to aid and other services. We urge the *de facto* Taliban authorities to immediately reverse the ban and to respect the rights of all Afghan people, including women, and ethnic and religious minorities. We also urge the UN to push for expansion of the exemption they have as it relates to female employees, to all NGOs with projects under the cluster system.

Despite the severe humanitarian needs, most aid agencies are still unable to include development programming in their work. This is primarily due to limited donor appetite for development-oriented

¹ UNHCR, Key Displacement Figures, <https://reporting.unhcr.org/document/3944>

² OCHA, Humanitarian Needs Overview – Afghanistan – January 2023, <https://reliefweb.int/attachments/2f525ec0-622e-47ee-bb0b-d411323dc054/AFG-HNO-2023-v06.pdf>

programming considering the current political situation. However, humanitarian aid only to Afghanistan is not, and will not, be enough. The NGO community reiterates previous calls to UNHCR and Member States to immediately expand development funding for resilience, livelihoods, and socio-economic recovery initiatives. We also request that funds are not diverted from Afghanistan to other crises. Without a doubling down of support, and the provision of nexus funding, more Afghans will die unnecessarily, and migration abroad will become an ever-increasing choice for many.

2. Expanding protections for displaced Afghans in neighboring countries

There are an estimated 2.1 million registered Afghan refugees in neighboring countries, as well as a further 2.1 million unregistered Afghans. Since the Taliban takeover in August 2021, a further 2.4 million people were registered in Iran under the semi-formal registration scheme for Afghan asylees who entered Iran. The NGO community commends Pakistan and Iran for their hosting of Afghan refugees for the past four decades, and for their generous support to Afghan's healthcare and education needs. However, we also draw attention to a range of ongoing concerns. We are especially concerned for the ongoing deportations to Afghanistan, despite UNHCR's non-return advisory³ remaining current. Despite the ongoing instability, stripping of rights, and lack of conditions for conducive return, NGOs continue to witness thousands of people being forcibly returned to Afghanistan.

In Pakistan, Afghan arrivals post 15 August 2021 have been unable to register for international protection through UNHCR, nor have they been able to avail themselves of the services of pre-2021 arrivals. This places them in precarious positions, and makes them increasingly vulnerable to labor exploitation, trafficking, detention, and deportation. Whilst we appreciate the unprecedented challenges faced domestically as a result of the 2022 floods, we request the Pakistan authorities to allow newly arrived Afghans access to refugee status determination procedures and avail themselves of other social protections. We also note the need for an updated Regional Refugee Response Plan that considers newly displaced Afghan populations in Pakistan since the takeover by the Taliban de facto authorities.

To support ongoing work towards achieving short-, medium-, and long-term solutions for Afghan refugees, we look forward to revitalized and continued engagement through the Support Platform for the Solutions Strategy for Refugees. This remains the primary vehicle for addressing Afghan displacement at a regional level, and the NGO community is essential and ready to support through ongoing engagement.

Durable solutions for displaced Afghans are now more important than ever and can only be realized with genuine participation and solidarity from the international community. Any movement of Afghans either into or within neighboring countries must be safe, dignified, and voluntary, and must respect the international customary norm of *non-refoulement*. We urge authorities in Afghanistan and neighboring countries to respect these rights.

3. Addressing escalating needs in the multi-dimensional Myanmar crisis

Two years since the military takeover in Myanmar, thousands of civilians have been killed as conflict continues unabated across the country. 1.5 million persons are internally displaced with a million more predicted to be displaced by the end of 2023. The UN has identified 17.6 million persons in need of humanitarian assistance in Myanmar, a third of whom are children.

More than 200 international and national NGO and CSO partners are working hard to deliver urgent lifesaving assistance to vulnerable communities across the country in the face of serious humanitarian access constraints, threats of attacks and severe underfunding. The recently enacted *Registration of Organisations Law* places extreme restrictions on Myanmar civic space including through the introduction

³ UNHCR, UNHCR Position on Returns to Afghanistan, August 2021 <https://www.refworld.org/pdfid/611a4c5c4.pdf>

of criminal penalties for non-registration of NGOs operating in Myanmar. This law is expected to significantly limit the collective ability of NGOs to reach people in need.

Donors must take all possible steps to ensure that NGO's funding and capacity to deliver timely and quality support to people in need is not compromised, including through timely procedural waivers, flexible funding models and simplified compliance requirements. Diverse, well-coordinated and complementary aid modalities inside and outside Myanmar must be harnessed to optimally reach all people in need, without discrimination.

4. Strengthening regional responses to displacement of Rohingya

While aid continues to be crucial for alleviating suffering, this alone will not resolve the Rohingya crisis without the political commitment and will to do so. The international community needs to find political solutions to unlock access to durable solutions, including local integration. The humanitarian response in host countries, but primarily Bangladesh, needs to be strengthened to prevent this indefinite limbo from continuing.

Moreover, from January to November 2022, more than 3,500 Rohingya refugees travelled irregularly by boat from Bangladesh and Myanmar to Southeast Asia – a fivefold increase from 2021. Of this number, it is estimated that 350 either died or were lost at sea. These movements have been triggered by a growing sense of desperation by the Rohingya, as the camp conditions in Cox's Bazar in Bangladesh have become increasingly unsafe and undignified, with a rise in armed violence, gender-based violence, evictions, and an increase in mental health issues among refugees. For many, the prospect of return is unviable and untenable.

To ensure more Rohingya don't perish at sea, it is essential that all actors, including the Bangladesh Government, United Nations and NGOs engage in awareness raising of the risks of journeys by sea. In addition, countries in Southeast Asia, particularly Indonesia, Malaysia and Thailand must take immediate action to improve and implement search, rescue, and disembarkation procedures. The NGO community commends Indonesian authorities for continuing to allow for disembarkation and encourages all States in the region to follow this positive action and share responsibility. Moreover, States within and beyond the region are requested to redouble efforts to work with the Bali Process, as well as for the Bali Process itself to strengthen its governance, regional engagement efforts, and implement its existing early warning capabilities.

There is a pressing need to support the creation of durable solutions pathways for Rohingya communities. With extremely limited prospects for repatriation or formal integration, alternative solutions including but not limited to third-country resettlement must be explored. The NGO community commends the USA on their pilot resettlement programme for Rohingya in Bangladesh and encourages other States to supplement these efforts.

5. Understanding, preventing, and responding to climate and displacement

As the most disaster-prone region in the world, understanding, preventing, and responding to the impacts of climate on displacement, is an urgent priority for the region. Of the 14.3 million internal displacements in 2021 in the Asia Pacific, nearly 13.7 million were a result of disasters. Repeated hazards, like the reoccurring drought in Afghanistan, typhoons in the Philippines, or floodings in Bangladesh, can lead to populations being displaced multiple times, having their rights, and ability to earn or access services seriously impacted, and often at great cost to them, their communities, and the State.

The NGO community commends the Secretary General's Action Agenda on IDPs for highlighting the importance of finding ways to prevent and develop durable solutions for internally displaced people. While

the primary responsibility remains with Member States, the NGO community is committed to contributing its experience and expertise to working towards durable solutions for IDPs.

6. Ensuring durable solutions for Sri Lankan refugees in India

In July 2023, it will be 40 years since the initial displacement of Sri Lankan Tamils due to the internal civil war. Four decades on, there remains 58,523 Sri Lankan Tamils living in 106 refugee camps in Tamil Nadu and a further 34,135 who are living as non-camp refugees. This protracted displacement merits the attention of the international community and the intervention of the United Nations to identify, support and realize durable solutions for them. We urge India to expedite the process of local integration of Sri Lankan refugees, as well as – of course – Sri Lanka to offer targeted rehabilitation packages to attract and ensure the sustainable safe and voluntary return of its citizens.

7. Implementing alternatives to immigration detention

The detention of refugees, asylum seekers, displaced and stateless persons across the Asia Pacific remains of serious concern. Stateless persons, asylum seekers, and refugees – including Rohingya and other vulnerable groups such as Uyghurs – continue to face the risk of prolonged or indefinite detention. In many countries, immigration detention facilities remain overcrowded, access to essential services is limited, and mistreatment is often reported. In Malaysia alone, there were a reported 150 deaths in detention in 2022.

The NGO community recognizes and appreciates the move by some countries such as Thailand and Malaysia to implement alternatives to detention, however, policy and implementation gaps persist. We reiterate the physical, and psychological harm that detention inflicts on individuals, and call on all states to actively implement non-custodial measures and community-based care arrangements.

8. Fulfilling and delivering new commitments as part of the Global Refugee Forum

Since 2019, Member States, the private sector, academia, NGOs, and other stakeholders produced more than 1,600 pledges in support of refugees. In Asia, 152 pledges were made, 79 by Member States. According to the UNHCR tracker, at present, only 14% of pledges have been fulfilled. NGOs encourage States within and outside the region to make good on their existing pledges, and to work towards new and resourced pledges that will tangibly support equitable and predictable responses and support for refugees.

9. Addressing barriers to statelessness

Across the region, including in countries such as Bangladesh, India, Thailand, Nepal and Malaysia, statelessness remains an issue of concern, with relatively low ratification of key international conventions including the Convention on the Status of Stateless Persons, Convention on Reduction of Statelessness, and the Convention on the Status of Refugees. States are also failing to implement their obligation to uphold women's and men's equal rights to confer nationality on their children and spouse, and every child's right to a nationality without discrimination, as enshrined in the Convention on the Elimination of Discrimination Against Women and the Convention on the Rights of the Child. Additionally, less than half of States provide citizenship to children born on their territories who would otherwise be stateless, with few States providing protection to stateless persons born on their territory.

Notably, stateless persons are unable to access fundamental rights including education, the right to vote, identification documents, and access to formal livelihood opportunities. At the same time, discriminatory nationality laws undermine the principle of equal citizenship. The lack of legal safeguards against childhood statelessness further exacerbates the statelessness situation. NGOs encourage Member States to protect everyone's right to a nationality, and to ensure that national laws comply with international obligations. We welcome the June 2023 High-Level Global Summit on Achieving Gender Equality in Nationality Laws cosponsored by UNHCR, and urge affected States to share concrete plans to advance gender-equal nationality laws at the Summit.

We also acknowledge and congratulate the Philippines for joining the 1961 Convention on the Reduction of Statelessness last year. Furthermore, we welcome statements made by the Government of Malaysia to prioritize an amendment to the Federal Constitution to uphold women's and men's equal rights to confer nationality to their children and look forward to the implementation of these commitments without delay.

Thank you, Chair.