

NGO Statement on Asia and the Pacific

Dear Chair,

This statement has been drafted in consultation with a wide range of NGOs, with the objective of reflecting the diversity of views and commonality of purpose within the NGO community.

1. State of forced displacement and solutions in the region

While the region continues to be home to some of the largest displaced and stateless populations worldwide and work has continued to support populations' resilience and self-reliance, challenging circumstances have placed renewed pressure on displaced and host communities, adversely impacting the prospects for solutions.

Over the past year, with rare exceptions, displacement trends and the situation of affected populations have further deteriorated. The two main displacement situations in the region – centered on Afghanistan and Myanmar – have taken worrying turns. Building on the outcomes of the 2023 Global Refugee Forum (GRF), it is important that both displacement situations do not result in donor and attention fatigue. Those cannot become forgotten emergencies. The international community has a responsibility to act and protect.

We also recognize that some progress has been achieved in the region. For example, NGOs note with appreciation the pledges made at the GRF by Thailand and Japan, specifically focusing on providing humanitarian assistance and socio-economic development assistance to Bangladesh for the Rohingya population.¹ The GRF also provided space and opportunities to make headways with regard to statelessness, from a multi-stakeholder perspective. Regional organizations focused on nationality rights and statelessness in the Asia Pacific undertook a pledge to engage in the meaningful participation of stateless activists, ensuring organizations led by stateless individuals have a decisive say in addressing it too.² Kazakhstan also made two pledges to establish relevant legislative safeguards to reduce statelessness by 2025 and to reduce the number of stateless persons through naturalization.³

With this statement, NGOs wish to bring to your attention the following developments:

¹ GRF-08510 and GRD-09074, “Pledges & Contributions,” *The Global Compact on Refugees | UNHCR*, accessed January 5, 2024, <https://globalcompactrefugees.org/pledges-contributions>

² See for example the pledge from Nationality For All: GRF- 08340, “Pledges & Contributions,” *The Global Compact on Refugees | UNHCR*, accessed January 5, 2024, <https://globalcompactrefugees.org/pledges-contributions>

³ “Pledges & Contributions,” *The Global Compact on Refugees | UNHCR*, accessed January 5, 2024, <https://globalcompactrefugees.org/pledges-contributions>

2. *On the Afghanistan situation*

Over the past year, the human rights and humanitarian situation in Afghanistan has continued to deteriorate. Over half of Afghanistan's population requires urgent humanitarian assistance to survive, while women and girls continue to have unequal access to such services, largely due to the ban on female NGO workers remaining in effect. The humanitarian situation has also been compounded by other factors stretching capacities, including a series of earthquakes. The situation has long resulted in the forced displacement of large parts of the Afghan population, within and across borders.

The immediate neighboring countries have a long tradition of solidarity with Afghan refugees, which has so far not elicited the required level of responsibility-sharing from the international community. Partly owing to this, 2023 has seen a worrying trend of erosion of host country's generosity, manifest in a more challenging protection environment as well as threats and actual acts of deportations.

According to UNHCR and IOM, within the last quarter of 2023, over half a million Afghan nationals, many in need of international protection, have been ordered to return from neighboring countries.⁴ In the process, many have been harassed, detained; lost their documents and assets and families have been split. Returnees arrive exhausted, in need of urgent assistance, shelter, food, and psychosocial support, adding to the worsening humanitarian crisis and further straining resources.⁵ Notably, the return process carries many gendered risks: Women, especially those that have to return alone are at greater risk of harassment and assault, and go back to a highly gender segregated society, where women are barred from most educational and employment opportunities. Organizations working at border locations in Afghanistan – including humanitarian NGOs – have scaled-up their operational capacity, in a coordinated manner, to deliver assistance to the most vulnerable individuals.

In this context, NGOs:

- urge again the *de facto* authorities in Afghanistan to reverse the ban on female NGO workers as well as other similar prohibitions impacting women; respect the rights of all Afghans and recognize the contributions women bring to society.
- call on donors to fund the efforts of humanitarian organizations working to provide coordinated assistance to vulnerable returnees and support longer-term approaches. This includes supporting independent and protection-sensitive screening mechanisms at the border; a gendered response to deportations and associated protection issues; and reinforcing community-based reintegration mechanisms, information, and consultation processes.
- urge host countries to preserve the asylum space for asylum seekers and refugees and stop threats and actual acts of deportation. We remind all stakeholders that the UNHCR August 2021 non-return advisory remains in effect. All efforts should be deployed to avoid further harm to Afghans, including providing access to documentation and legal stay in host countries and avoiding spreading fear among refugee communities.

⁴ UNHCR, [Pakistan-Afghanistan: Returns Emergency Response](#), 18 January 2024.

⁵ UNHCR, [Afghanistan - Pakistan : Returns Emergency Response #9](#), 18 January 2024; Asia Displacement Solutions Platform (2023), [Briefing Note: Deported to what? Afghans in Pakistan](#).

- remind that, as part of customary international law and as the cornerstone of the 1951 Convention Relating to the Status of Refugees, *non-refoulement* is a primary and essential component of international solidarity.
- call for increased third-country solutions for Afghan refugees, as a concrete demonstration of responsibility-sharing, contribution to durable solutions and protection of most vulnerable refugees.
- encourage the development of funding opportunities that facilitate South-South knowledge and experience-sharing, acknowledging the considerable Afghan refugee populations in host countries outside the region.
- reiterate hopes that the SSAR Support Platform can generate adequate solidarity for displaced Afghans, responsibility-sharing and constructive but principled engagement with host countries. NGOs also repeat their readiness to engage with the Support Platform in a way that maintains efficiency and trust among existing members.

3. On the Myanmar situation

In Myanmar, 2023 represented another year of increased tensions and conflicts, compounded by the impact of climate-related events such as Cyclone Mocha and impediments imposed on the delivery of humanitarian support in certain affected areas. In particular, since the end of October 2023, fighting between ethnic armed organizations and the Myanmar armed forces has escalated across the country, causing a surge in civilian casualties, displacement, and destruction of civilian properties in numerous townships. The continued escalation of hostilities, denial of human rights, discrimination and persecution have led to a further increase in internal displacement: At the end of 2023, over 2.6 million people were estimated to be displaced nationwide.

Moreover, people continue to flee across borders and seek refuge. To date, the region hosts over 1.3 million Myanmar Refugees, Asylum Seekers, and stateless individuals, particularly in Bangladesh, Malaysia, Thailand, India, and Indonesia. The ethnic conflict in Myanmar, combined with violations of the nationality rights of the Rohingya community have resulted in major statelessness issues in the region. New policies such as the income tax on workers aboard and mandatory conscription law risk increasing flows of irregular migrants as people try to flee or overstay their current visas. In turn, this may result in increased human smuggling and trafficking, forced labor, exploitation, and corruption in the sub-region.

In this context, and with the added elements of insecurity, deteriorating living conditions in camps and dwindling humanitarian assistance, the region has seen renewed recourse by Rohingya refugees to dangerous sea movements, in the hopes of finding safety and conditions more conducive to solutions. Unfortunately, such movements have often been met with pushbacks, detention, and rights violations, all in a context of growing xenophobia exacerbated by hate speech relayed by social media. Moreover, with about 4,500 Rohingya refugees known to have embarked on perilous sea journeys and 570 people reported deceased or missing, 2023 was the deadliest year on record for maritime movements in the region since the 2015 Andaman Sea crisis. Arrivals to Aceh, Indonesia indicate that 75% of people taking the dangerous journey at sea are women and children, who are in urgent need of shelter, nutrition, sanitation, and medical assistance.

We therefore call for:

- addressing the primary driver of displacement: the continued deterioration of conditions in Bangladesh and Myanmar. While the situation in Myanmar calls for diplomatic and political efforts, support for humanitarian activities needs to be stepped up. Bangladesh, being the largest host country of stateless refugees (around 950,000),⁶ renewed efforts need to address the continued deterioration of conditions in the camps, especially the limited livelihood opportunities, increasing food insecurity, and declining security conditions.
- receiving countries in the region to allow disembarkation and abide by their maritime obligations under international law. Governments across the region must take immediate action to support the implementation of search and rescue operations, guarantee safe disembarkation, create protection sensitive reception arrangements, and provide safe and dignified shelter.
- the Bali Process Member States to strengthen efforts to distribute more fairly the responsibility of ensuring Rohingya refugees have access to protection. This should be complemented by efforts to support regional states to adopt alternatives to detention policies and establish family reunification options for rescued refugees.
- all stakeholders to counter xenophobic and racial backlash on social media and elsewhere, which lays the ground for pushbacks and ill-treatment of refugees. To prevent further incitement to discrimination, hostility, and violence against refugees, governments and civil society in the region should collaborate to develop holistic measures to combat and prevent misinformation, and hate speech, including outreach and public awareness campaigns, building, and strengthening national regulatory frameworks, and the development of regional action plans.
- address the factors in host countries that sustain the ongoing smuggling and trafficking of Rohingya, including violence, insecurity, a lack of legal status and a lack of access to basic rights including education, health care and livelihoods.
- regional host governments to develop both short and longer-term protection arrangements for refugees from Myanmar, including increased provision of psychosocial, livelihood and education support, and access to a recognized legal status, work, and education rights. This should include an end to indefinite immigration detention and the implementation of community-based alternatives to detention.
- UN Member States and the international community to increase responsibility-sharing for hosting Rohingya refugees by creating a joint framework among states on third-country resettlement and complementary pathways, setting yearly benchmarks with the goals of resettling Rohingya refugees.

4. Regionwide thematic dimensions

- **Solutions**

As the region faces repeated as well as protracted displacement crises, there is a need and scope for practical longer-term approaches, aiming at creating enabling environments for the

⁶ UNHCR, 'Global Trends: Forced Displacement in 2021' (June 2022) Annex, Table 5

development of durable solutions. Too many refugees and stateless people remain for years in a limbo state, without registration, documentation, access to education, work, and health. Indeed, access to rights and services for refugees and stateless people is fundamentally connected to building a sustainable future, and constitutes transitional solutions likely to result in better chances at integration, voluntary repatriation, and resettlement or complementary pathways.⁷ Most refugees, asylum seekers and stateless people in the region still have very limited opportunities to exercise their most basic rights – those rights that are so foundational to survive but also to build the basis of self-reliance and future solutions: access to education and healthcare, right to work, freedom of movement. They often live in limbo for years, even though they contribute to their host societies and economies in informal ways. In such conditions, they have little chance of preparing for their future. Registration and documentation are particularly important as preconditions to accessing and exercising rights and durable solutions.

We therefore:

- call on States in the region to recognize refugees and stateless people’s capacities and contributions to their societies and that providing access to such rights is in everyone’s interest. We also call on the donor community and other relevant stakeholders to support host countries in those efforts.
- call on States in the region to remove gender-discriminatory provisions from nationality laws and uphold citizens equal right to confer nationality in order to uphold the principle of nondiscrimination and to combat statelessness.
- call on UNHCR and States to ensure refugees have access to refugee and stateless status determination procedures and receive formal documentation. Responsibility-sharing should also be exercised in this perspective, through financial means as well as technical support.
- call on all States and relevant stakeholders to facilitate accession to third-country solutions. This involves developing more resettlement opportunities, and additionality of complementary pathways, as well as building the foundations, in host countries, for those pathways to flourish and work better, including through access to documentation and rights.

- **Statelessness**

States in the Central Asian subregion have demonstrated significant efforts to address statelessness, in particular Kyrgyzstan, which in 2019 became the first country globally to resolve all known cases of statelessness. At the Global Refugee Forum, Thailand announced its aim to develop a national plan to resolve statelessness focused on stateless students born in the country. The Rohingya continue to serve as the most extreme example of statelessness resulting from deliberately exclusionary and discriminatory nationality laws. Large populations of Rohingya refugees are present throughout the region, where they continue to face discrimination from host countries while being unable to return safely to Myanmar. Official government data for stateless people in the Pacific (8,320) includes stateless refugees, asylum seekers or, in the case of Australia, persons in immigration detention (8,314).⁸ The Asia and Pacific region

⁷ Asia Displacement Solutions Platform (2023), “[Developing Transitional Solutions for Rohingya Refugees in Bangladesh](#)”

⁸ UNHCR, ‘Global Trends: Forced Displacement in 2022’ (June 2023) Annex, Table 5

contains some of the most extreme examples of gender discriminatory nationality laws, noticeably in Brunei, Kiribati, Malaysia and Nepal, all countries that deny women's right to confer nationality on their children and noncitizen spouse on an equal basis with men, while Bangladesh, Pakistan, Singapore, and Thailand do not uphold women's equal right to confer nationality on a noncitizen spouse. The Asia and Pacific region does not have a regional human rights framework meaning that there is a dearth of regional norms and jurisprudence relating to protecting the human rights of stateless persons and ensuring the right to a nationality.

- **Detention**

In many countries in the Asia-Pacific region, including but not limited to Malaysia, Thailand and India, refugees, asylum seekers and stateless persons – including Rohingya and other vulnerable groups – continue to face arbitrary and indefinite detention, with negative and long-lasting mental and physical health consequences and profoundly disruptive impacts on family structures.⁹ While some States have taken steps to reduce reliance on detention, significant policy and implementation gaps remain. We call on States in the region to develop and implement non-custodial community and human rights-based Alternatives to Detention (ATD). We note with interest the Australian and Royal Thai Government's commitments under the Global Refugee Forum Multi Stakeholder Pledge on Alternatives to Immigration Detention to explore alternatives to detention and in the case of Thailand strengthen the National Screening mechanism, by looking into shortest practical time wherever necessary and expanding alternatives that are non-custodial and community-based.¹⁰

- **Climate Change**

The increasing intensity and frequency of disasters and extreme weather events remains an urgent priority for the region and a leading cause of internal displacement. The adverse effects of climate change are also a major factor raising insecurity for populations and States in the Pacific, including worries for increased statelessness issues.

Disasters continue to exacerbate protection risks for already marginalized communities. For example, Cyclone Mocha, which caused widespread devastation in Rohingya displacement camps and for ethnic Rakhine communities displaced by conflict. Disasters also impact patterns of displacement, as well as the strategy and routes taken by affected populations.

We, therefore, call on States and humanitarian actors to take stronger steps to integrate climate change into national and regional refugee protection policy and programming responses.

- **Global Refugee Forum**

Overall, while relatively few sessions highlighted examples from the Asia-Pacific region, the GRF results are likely to impact programming for refugee response for the years to come. Stimulating exchanges, a notable increase in the participation and contributions from refugees within and in parallel to the main event, and signs of a renewed momentum for solidarity and responsibility-sharing were constructive developments.

⁹ Asia Displacement Solutions Platform (2023), "[Impact of Prolonged Immigration Detention on Rohingya Families and Communities in Malaysia](#)"

¹⁰ GRF-07751, "[Pledges & Contributions](#)," [The Global Compact on Refugees | UNHCR](#), accessed January 5, 2024, <https://globalcompactrefugees.org/pledges-contributions>

While waiting for the GRF Outcome Document, more in-depth study on the regional dimensions, and our own collective analysis, NGOs in the region do hope that cumulatively, the GRF has generated impactful pledges, including the multistakeholder pledges for the Afghanistan Situation and for Expanded Resilience and Enhanced Solutions for Rohingya Refugees. Sustained political commitment and advocacy for solutions are needed to ensure the pledges are truly transformational. NGOs will remain invested in the process of following up on pledges, delivering on their own commitments and contributing to collective accountability.

Thank you.