



# Asia Pacific Refugee Rights Network

Annual Report 2009

*ADVANCING THE RIGHTS OF  
REFUGEES IN THE ASIA PACIFIC  
REGION*



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*Advancing the rights of refugees in the Asia Pacific Region*

### **Challenges to Refugee Protection in the Asia Pacific Region**

The Asia Pacific Region is the site of some of the world's most acute and protracted refugee situations. Of the 10.5 million refugees estimated by UNHCR in 2008, Asia and Oceania hosted more than half of world's refugees, 54 percent and 0.3 percent respectively<sup>1</sup>. In addition to this, there are several million asylum-seekers, stateless persons and internally displaced persons (IDPs) in the region. Prolonged armed conflicts as well as the absence of robust state-based human rights protection and democratic institutions have contributed to increased refugee flows from countries of origin.

Only 26 of the 61 countries located in these two regions are state parties to the 1951 Convention Relating to the Status of Refugees (Refugee Convention) and/or its 1967 Protocol<sup>2</sup>. The refusal of most states to accede to the basic elements of the international legal protection framework indicates their resistance to fulfilling their international obligations to refugees. This undermines the ability of refugees to obtain effective protection in host, transit and destination countries.

Many asylum seekers and refugees remain unregistered and therefore invisible to the international community. They are frequently subject to gross violations of their fundamental rights through arbitrary detention, exposure to sex- and gender-based violence, the lack of access to basic healthcare, torture, the inability to access sustainable employment lawfully, and, most seriously, forcible return to countries in which they are likely to suffer persecution (*refoulement*). The situation confronting refugees is made worse because of the resistance of most states in the Asia Pacific region to ratify other core human rights treaties and to create regional human rights enforcement mechanisms.

### **The Role of National Civil Society Groups and Refugee Community-based Organisations**

National civil society groups have a unique role to play in refugee protection. They are well placed to create general awareness and to build commitment to a 'human rights culture' to protect refugees. They have local connections and access to policy-makers and lawmakers that international NGOs do not have. Most importantly, they have local legitimacy. They represent their own citizens and their own societies in calling for refugee protection, thus countering the arguments of their governments that refugee protection is a 'foreign', 'Western-dominated', or 'UN-imposed' idea.

Refugee community-based organisations are often the first point of contact for refugees, and the lynchpin for UNHCR and national civil society groups in communicating with refugee communities. Refugee community leaders too, are often under-resourced and overworked, coping with a range of challenges including their own arrest, detention and deportation.

Prior the establishment of the Network, these groups worked in isolation in their own local contexts, with limited access to specialist training, technical resources, and key stakeholders related to refugee protection. Most are still under-resourced and overworked as they try to meet the complex and growing needs of displaced populations. In particular, they have found it difficult to monitor regional and international processes for advocacy opportunities. Their security has also been threatened as a result of their activities to protect the rights of refugees. In light of these challenges and in the spirit of collaboration across borders, they decided to form the Asia Pacific Refugee Rights

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<sup>1</sup> UNHCR (2009) Statistical Yearbook 2008: Trends in Displacement, Protection and Solutions, December, <http://www.unhcr.org/pages/4a02afce6.html>, accessed 20 April 2010. The geographical regions used are those of the United Nations Statistics Division, Department of Economic and Social Affairs, <http://unstats.un.org/unsd/methods/m49/m49regin.htm#asia>

<sup>2</sup> State Parties to the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol, as of 1 October 2008, <http://www.unhcr.org/pages/49da0e466.html>, accessed 20 April 2010.

Network at the 1<sup>st</sup> Asia Pacific Consultation on Refugee Rights (APCRR1) held from 20-21 November 2008 in Kuala Lumpur.

The Asia Pacific Refugee Rights Network (APRRN) comprises a network of civil society organizations and individuals committed to advancing the rights of refugees in the Asia Pacific Region through information sharing, mutual capacity building and joint advocacy.

The APRRN which was established at the 1<sup>st</sup> Asia Pacific Consultation on Refugee Rights (APCRR1), reconvened at the 2<sup>nd</sup> Asia Pacific Consultation on Refugee Rights (APCRR2) in Bangkok from 7-8 October 2009.

The APRRN is an open network, and welcomes the involvement of new members who subscribe to the following core principles of the APRRN:

- Using a rights-based approach
- The humanitarian principles of non-discrimination, impartiality, humanity, independence and accountability to affected populations
- Do no harm
- Building solidarity amongst civil society actors in the Asia Pacific region
- Working responsibly and with respect, accountability and transparency with each other

Members are expected to uphold the rights of all persons, in particular refugees, stateless persons and forcibly displaced persons, as outlined in:

- The international refugee rights regime, which includes, *inter alia*, 1951 Convention Related to the Status of Refugees and its 1967 Protocol
- International human rights law
- International humanitarian law
- National and regional legislation
- International customary law

The Steering Committee of the APRRN has been mandated to provide general guidance for the direction and structure of the Network. The Steering Committee is composed of elected representatives from the Geographical and Thematic Working Groups formed during APRRN's annual consultations, as well as the APRRN Host Organisation and appointed representatives from refugee backgrounds as specified in the APRRN Articles of Association.

The four Geographical Working Groups are:

South Asia | Southeast Asia | East Asia | Australia and the Pacific

The five Thematic Working Groups are:

Immigration Detention | Legal Aid and Advocacy | Women and Girls at Risk | Right to Health | International Advocacy

The Host Organisation of the APRRN is the Asian Forum for Human Rights and Development (Forum Asia).

## ACTIVITIES IN 2009

### THE 2<sup>ND</sup> ASIA PACIFIC CONSULTATION ON REFUGEE RIGHTS

The 2<sup>nd</sup> Asia Pacific Consultation on Refugee Rights (APCRR2) was held from 7-8 October 2009 in Bangkok at the Windsor Suites Hotel. It involved 116 participants from 77 organisations in 19 countries

#### PARTICIPANTS

A deliberate choice was made to invite other regional and international networks, in order to build strategic linkages. 7 such organizations came, specifically Global Alliance Against Traffic in Women (GAATW), Migrant Forum in Asia, Caram Asia, Christian Solidarity Worldwide (Southeast Asia), Franciscans International, International Detention Coalition, and the Southern Refugee Legal Aid Network (invitations were also sent to APWLD, IWRAW Asia Pacific and others but they did not send representatives).

We had a number of representatives from national networks, such as the Refugee Council of Australia, National Council of Churches Australia, Migration Working Group (Malaysia), Federation of Reproductive Health Associations (Malaysia), and the Japan Lawyer's Network for Refugees.

The majority of organizations that attended were national organizations. The few international NGOs and inter-governmental organizations that attended had operations in the region (IRC, MSF, JRS, OSI, ICRC).

The gender and geographical breakdown is as follows:

Australia and the Pacific (12 Participants)	South Asia (13 participants)	East Asia (23 participants)	Southeast Asia (57 participants)	Others (11 participants)
<b>Australia – 10 participants (6 women, 4 men)</b> <b>New Zealand – 2 participants (1 woman, 1 man)</b>	Bangladesh – 3 participants (3 men) India – 4 participants (3 women, 1 man) Nepal – 4 participants (1 woman, 3 men) Pakistan – 1 participant (1 man) Sri Lanka – 1 participant (1 man)	Hong Kong – 8 participants (4 women, 4 men) Japan – 5 participants (3 women, 2 men) South Korea – 10 participants (5 women, 5 men)	Cambodia – 1 participant (1 man) Indonesia – 5 participants (5 men) Malaysia – 16 participants (14 women, 2 men) Philippines – 2 participants (1 woman, 1 man) Singapore – 2 participants (2 women) Thailand – 31 (13 women, 18 men)	Canada – 2 participants (2 men) United Kingdom – 4 participants (3 women, 1 man) United States of America – 5 participants (5 women)

Fifty three percent (61 participants) were women. There was far greater representation from Southeast Asia compared to other sub-regions. This was due largely to the fact that APCRR1 was held in Kuala Lumpur and APCRR2 was held in Bangkok, making it cheaper for APRRN to fund participants in the sub-region. Great efforts were made to increase participation from countries other than Malaysia and Thailand, but we could not do so despite multiple attempts.

In order to increase participation by South Asians, APRRN is planning to hold APCRR3 scheduled for 2010 in South Asia. We had specific allocations of 15 spaces for participants from refugee backgrounds, and were privileged to have

6 of them (1 from Canada, 1 from Japan, 1 from South Korea, 3 from Thailand). However, we had intended to have greater numbers of refugees and will work on this for APCRR3.

## PROGRAMME

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APCRR2 was fundamentally important for allowing members to ‘regroup’, update each other the key refugee issues and challenges in their countries, construct joint action plans, agree on governance structures and procedures (which promote greater accountability and transparency within the Network), and elect a new Steering Committee for the next year.

Specifically key outputs crucial to the growth and leadership of the Network were:

- 2 AGM resolutions to officially adopt two governance-related documents:
- Terms of Reference for the Steering Committee
- Membership Criteria for APRRN Members (for formalisation of membership)
- Election of a new Steering Committee to serve for one year until APCRR3 using standardized election procedures
- A Yearly Action Plan for each the 4 Geographical Working Groups and 5 Thematic Working Groups

A pre-conference programme was held on the 6<sup>th</sup>, focusing on key topics such as the international resettlement regime, protecting human rights defenders, UNHCR refugee status determination procedures, and the Asian Refugee Legal Aid Network.

Two post-conference skills training sessions were held on the 10<sup>th</sup>, one on Advocacy at UNHCR by the Centre for Refugee Research, and one on Working with People in Immigration Detention by the International Detention Coalition.

APRRN also facilitated a back-to-back programme with UNHCR focusing on Mixed Migration Flows in Southeast Asia, which involved APRRN members from Southeast Asia, Bangladesh and Australia. This helped to solidify relationships with UNHCR.

## EVALUATION

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Feedback from participants during the conference indicated that:

- They were very pleased to meet others who worked on refugee rights, as they felt isolated and alone in their work in their national contexts
- They faced similar challenges and issues related to their work, and found it helpful to find out how others respond
- Several organizations used APCRR2 as an opportunity to develop their own cross-border projects. These include a legal aid project for the region by the University of New South Wales (which complements the Asia Refugee Legal Aid Project) and a training programme between an Australian NGO and Indonesian NGOs.

Feedback from UNHCR has been very positive.

We are in discussion with UNHCR about obtaining further support to organise sub-regional consultations in East Asia and South Asia, the APRRN Secretariat as well as APCRR3. We are also planning to hold joint training on detention monitoring in 2010.

The conference report can be downloaded from this link  
[http://refugeerightsasiapacific.org/pdf/FINAL\\_APCRR2\\_Report.pdf](http://refugeerightsasiapacific.org/pdf/FINAL_APCRR2_Report.pdf)

## JOINT ADVOCACY

## UNHCR ANNUAL CONSULTATIONS WITH NGOS GENEVA, 23 JUNE-2 JULY 2009

APRRN was able to insert important paragraphs covering refugee protection issues in Asia into the general NGO Statements made at the UNHCR Standing Committee meetings, most notably the statements on International Protection, Statelessness and the Global Needs Assessment;

APRRN organised for a Rohingya refugee – Dr Kamal Hussein – to read the NGO Statement on Statelessness on behalf of NGOs;

Our side meeting on Rohingya refugees, UNHCR’s 10-Point Plan on mixed migration flows and regional solutions was one of the most well-attended side meetings of the NGO Consultations;

APRRN members moderated and were speakers at the side meeting to launch the 2009 World Refugee Survey as well as the side meetings on Alternatives to Immigration Detention and the Implementation of the Conclusion on Women and Girls at Risk;

APRRN members, together with other members of the Southern Refugee Legal Aid Network (SRLAN), participated in important bilateral meetings with UNHCR on RSD reform;

APRRN had many of its questions regarding RSD, refugee registration, use of implementing partners, operating in non-Convention countries, urban refugees, protections for women and girls at risk, detention, resettlement, the Global Needs Assessment, populations of concern (including Afghans, Rohingya, Somalis) and Sri Lanka (among others) prioritised and at least begun to be answered by UNHCR; and

APRRN secured private meetings with a number of government representatives and UNHCR senior staff to discuss issues in a more in depth manner.

## JOINT STATEMENTS

APRRN coordinated the drafting and release of joint public statements responding to key issues in the region, including:

- protesting the mistreatment and expulsion of Rohingya ‘boat people’ by the Thai government ,
- calling for a protection-oriented regional solution for Rohingyas
- expressing concern at the deteriorating protection environment as a result of the conflict in Sri Lanka denouncing the brutal murder of a Filipino attaché for his work in combating trafficking in Malaysia

Coordinated the NGO Statement on Asia and the Pacific to the 44th Meeting of the Standing Committee of the Executive Committee of the High Commissioner’s Programme in March 2009 Geneva

## SPEAKING OPPORTUNITIES

Alice Nah, current Chair of the APRRN, was invited to be a speaker on a side session on Alternatives to Detention at the UNHCR Executive Committee in Geneva on 1 October 2009, along with 3 other civil society speakers. The event was well attended by states, both members and non-members of Excom. The USA, Belgium and Australia stated their commitment to exploring alternatives to detention for migrants and refugees.

## WEBSITE

Construction of the website has begun, and the Steering Committee is reviewing the demo version of the website. It is scheduled for official launch on December 2009.

APRRN members have expressed a desire to use this as a platform for communicating and conducting advocacy. APRRN plans to use this website to highlight the firm commitment of civil society to refugee rights protection in the Asia Pacific region.

## CONCLUSION

APRRN has been building foundations since it was formed in October 2008 at APCRR1. The commitment from members and the Steering Committee remains high and it has a very good reputation internationally amongst civil society groups and UNHCR. In the coming years the network will gain in strength on the basis of the work its members perform. The network has gained tremendous momentum and is being recognized as the face of a movement. It remains the only network of its kind in the world. We have a lot to achieve and many hurdles to cross,

but together we can make a difference and make our goal of advancing the rights of Refugees in the Asia Pacific region a reality .

The network would like to especially thank the following organisations for extending financial and material support to the network.

UNHCR

Open Society Initiative

AusAid

Forum Asia