ASIA PACIFIC CONSULTATION ON REFUGEE RIGHTS 2 (APCRRR 2)

October 6-10, 2009
Bangkok, Thailand
The 2nd Asia Pacific Consultation on Refugee Rights (APCRR2) would not be possible without the support of several key organizations and individuals who have contributed to the growth and development of the Asia Pacific Refugee Rights Network (APRRN).

We would like to thank the organizer, Alice Nah of Migration Working Group, Malaysia (MWG)/ The National Human Rights Society (HAKAM) and Forum Asia, for their hard work and commitment. The Centre for Refugee Research (University of New South Wales, Australia) played a key role in supporting participants from South Asia.

We thank the following organizations for their support of the conference:

- UNHCR
- Foundation Open Society Institute
- AusAID
- U.S. Institute of Peace (through their support of the Asian Refugee Legal Aid Network Project)
- International Detention Coalition
- Euro-Burma Office

We thank the following organizations for providing important manpower for the consultation:

- U.S. Committee for Refugees and Immigrants
- Asylum Access
- Hong Kong Refugee Advice Centre

A special thanks also to the 2008-2009 Asia Pacific Refugee Rights Network Steering Committee who provided strong leadership and direction in the development of the Network:

- Alice Nah (MWG/HAKAM)
- Pill-Kyu Hwang (Korean Public Interest Lawyers’ Group, South Korea (Gong-gam)
- Yap Swee Seng (Forum Asia)
- Lakshan Dias (South Asian Network for Refugees, IDPs & Migrants, Sri Lanka, SANRIM)
- Priyanka Mathur Velath (Centre for the Study of Law and Governance, Jawaharlal Nehru University, India)
- Rufino Seva (Bangkok Refugee Center, Thailand, BRC-COERR)
- Victor Biak Lian (Chin Human Rights Organisation, Thailand, CHRO)
- Josephine Tey (Archdiocesan Office for Human Development, Malaysia, AOHD)
- Megumi Ban (Japan Association for Refugees, Japan, JAR)
- Johime Lee, Sanjula Weerasinghe and Christine Lin (Hong Kong Refugee Advice Centre, Hong Kong, HKRAC)
- Ho Taeg Lee (Refuge Pnan, Korea)
- Tamara Domicelj (Refugee Council of Australia, Australia, RCOA)
- Grant Mitchell (International Detention Coalition, IDC)
- Sanjay Gathia (Jesuit Refugee Service, Asia Pacific, JRS-AP)
- Martin Jones (Southern Refugee Legal Aid Network, SRLAN)
Acknowledgements

- Linda Bartolomei (Center for Refugee Research, UNSW, Australia)
- Katrina Jorene (Tenaganita, Malaysia)
- Stephanie Jones and Karen Moore (Asylum Access)
- Anna de Guzman (International Planned Parenthood Federation, East & South East Asia & Oceania Region, IPPF-ESEAOR)
- Hemang Sharma (Forum for Protection of People’s Rights, Nepal, PPR Nepal)
- James Thomson (Act for Peace, National Council of Churches in Australia, Australia NCCA)

We thank Anna Samson for her work as the APRRN Support Officer in Forum Asia from March to September 2009.

Several individuals worked tirelessly to make this conference a success. In particular, we thank:

- Ausma Petchwattana
- Josephine Tey
- Temme Lee

We also thank the conference rapporteurs led by Johime Lee:

- Brian Barbour (Introduction and Welcome Remarks)
- Leena Ghosh (Plenary 1: Review of Key Developments Impacting the Protection of Refugee Rights in the Asia Pacific Region)
- Jennifer Smith (Plenary 2: AGM, Southeast Asia)
- Britton Heller (Plenary 3: Dialogue with UNHCR)
- Marina Sharpe (Plenary 4: Moving Forward Together and Closing Remarks)
- Soo Jin Hyung (East Asia)
- Temme Lee (Southeast Asia)
- Linda Bartolomei (Australia and the Pacific)
- Anna Sampson (South Asia, International Advocacy)
- Amy Alexander (Immigration and Detention)
- Rattanaporn Poungpattana (Education)
- Pryanca Mathur Velath (Women and Girls at Risk)
- Katherine Harris (Legal Aid and Advocacy)
- Jean Hee Cho (Right to Health)

We especially thank Hokunani Keehu, Conference Rapporteur, whose artistic talent and hard work resulted in the production of this Conference Report.

Last but not least, we would like to thank our participants, whose insight and engaged participation were what made APCRR2 a success.

A copy of this conference report along with presentation slides from the Consultation can be downloaded from the APRRN website: www.refugeerightsasiapacific.org
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Introduction

The Asia Pacific Region is the site of some of the world’s most acute and protracted refugee situations. The UNHCR notes the presence of over 8,858,050 asylum-seekers, refugees, stateless persons and internally displaced persons (IDPs) in the Asia Pacific Region. (UNHCR figures as at 1 January 2007, as reported in its Global Appeal 2008-2009, p. 12-13.) In addition to this, many groups remain unregistered and therefore invisible to the international community. Poverty, prolonged armed conflicts and natural disasters, as well as the absence of robust state-based human rights protection and democratic institutions have frequently contributed to increased refugee flows.

Only 17 out of 55 countries in the Asia Pacific region have ratified the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol. This undermines the ability of refugees to obtain effective protection in host, transit and destination countries. Asylum seekers and refugees are thus frequently subject to gross violations of their fundamental rights through arbitrary detention, separation from family members, sex- and gender-based violence, lack of access to basic health care, torture, inability to lawfully access sustainable employment, and, most seriously, forcible return to countries in which they have suffered or are likely to suffer persecution (refoulement).

Background to the Asia Pacific Refugee Rights Network (APRRN)

In November 2008, over 110 individuals representing more than 70 organisations met at the 1st Asia Pacific Conference on Refugee Rights (APCRR1), a programme organised by the Asian Forum for Human Rights and Development (Forum Asia) and held in Kuala Lumpur from 20-21 November 2009.

A key outcome from APCRR1 was the establishment of the Asia Pacific Refugee Rights Network (APRRN), a loose 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 Host Organisation of APRRN is Forum Asia.

APCRR 2 Objectives

- Facilitate cooperation and collaboration amongst APRRN members.
- Evaluate the effectiveness of APRRN activities.
- Develop strategies for future joint advocacy.
- Strengthen the ability of member organizations to respond effectively to refugee protection gaps.
- Discuss and approve structures, processes, and procedures for the network, including formalizing membership.
APRRN Activities 2008-2009

- Coordinating two media statements
  - The second with 67 signatories expressing concern on the mistreatment of Rohingyas and calling for regional solutions to ensure they are recognised and protected as refugees; (NGO Statement on the Requirements of a Regional Solution for the Rohingya, 6 March 2009)
- Coordinating an Asia Pacific statement to the 44th Meeting of the Executive Committee of the High Commissioner’s Programme Standing Committee in March 2009 Geneva; (NGO Statement on Asia and the Pacific, http://www.icva.ch/doc00003426.doc)
- Developing a civil society response to the forced displacement unfolding due to the present conflict in Sri Lanka;
- Facilitating engagement between APRRN members and UNHCR in Geneva at the Annual Consultation in 2009;
- Engaging with UNHCR on joint programmes for advocacy and capacity building;
- Developing capacity-building programmes on legal aid and detention to strengthen civil society response to the needs of refugees;
- The Network decided to meet again one year later in APCRR2, in order to strengthen its work and collaboration across borders.

Advancing the rights of refugees in the Asia Pacific Region.

Participants of 2009 APCRR2.
## 2009-2010 APRRN Steering Committee Members

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<th>Chair</th>
<th>Deputy Chair</th>
<th>Host Organisation Representative</th>
<th>Appointed Representative</th>
<th>South Asia</th>
<th>Deputy Chair</th>
<th>Southeast Asia</th>
<th>East Asia</th>
<th>Australia and the Pacific</th>
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<td><em>Migration Working Group/ The National Human Rights Society (HAKAM), Malaysia</em></td>
<td><em>Korean Public Interest Lawyers Group (Gonggam), South Korea</em></td>
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<td><em>Forum Asia, Regional</em></td>
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<td><em>International Institute for Human Rights, Environment and Development (INHURED International), Nepal</em></td>
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<td>5.</td>
<td>Lakshan Dias</td>
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<td><em>Temme Lee, Suara Rakyat Malaysia (SUARAM), Malaysia</em></td>
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<td><em>Amy Alexander, Chin Human Rights Organisation (CHRO), Thailand</em></td>
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<td>6.</td>
<td><em>South Asia</em></td>
<td><em>Deputy Chair</em></td>
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<td><em>Temme Lee</em></td>
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<td><em>Suara Rakyat Malaysia (SUARAM), Malaysia</em></td>
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<td>9.</td>
<td>Brian Barbour</td>
<td>Hyung Soo Jin</td>
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<td><em>Temme Lee, Suara Rakyat Malaysia (SUARAM), Malaysia</em></td>
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<td><em>Amy Alexander, Chin Human Rights Organisation (CHRO), Thailand</em></td>
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<td>10.</td>
<td><em>Hong Kong Refugee Advice Centre (HKRAC), Hong Kong</em></td>
<td><em>Japan Association for Refugees (JAR), Japan</em></td>
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<td>Tamara Domicelj</td>
<td>Kafeba Pergoleze Alvis Mundele</td>
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<td>12.</td>
<td><em>Refugee Council of Australia (RCOA), Australia</em></td>
<td><em>New Zealand National Refugee Network, New Zealand</em></td>
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### 2009-2010 APRRN Steering Committee Members cont.

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<th>Thematic Working Groups</th>
<th>Chair</th>
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| 13. Immigration Detention Chair | Grant Mitchell  
*International Detention Coalition, International (IDC)* |
| 14. Legal Aid and Advocacy Chair   | Barbara Harrell-Bond  
*Fahamu/Southern Refugee Legal Aid Network (SRLAN)* |
| 15. Women and Girls at Risk Chair  | Linda Bartolomei  
*Centre for Refugee Research, UNSW, Australia* |
| 16. Right to Health Chair          | Anna de Guzman  
*International Planned Parenthood Federation, East & South East Asia & Oceania Region (IPPF-ESEAOR)* |
| 17. International Advocacy Chair   | James Thomson  
*Act for Peace, National Council of Churches in Australia (NCCA), Australia* |

### Deputy Chairs of Thematic Working Groups

The Deputy Chairs of the Thematic Working Groups, who do not sit on the Steering Committee but co-lead the Thematic Working Groups are:

<table>
<thead>
<tr>
<th>Thematic Working Groups</th>
<th>Deputy Chairs</th>
</tr>
</thead>
</table>
| Immigration Detention                   | Jong Chul Kim  
*Lawfirm Somyoung, South Korea* |
| Legal Aid and Advocacy                   | Christine Lin  
*Hong Kong Refugee Advice Centre (HKRAC), Hong Kong* |
| Women and Girls at Risk                  | Katrina Jorene  
*Tenaganita, Malaysia* |
| Right to Health                          | Hemang Sharma  
*Forum for Protection of People’s Rights (PPR Nepal), Nepal* |
| International Advocacy                   | Vladamir Hernandez  
*Community and Family Services International (CFSI), Philippines* |
Asia Pacific Refugee Rights Network Organization Chart

Chair

Deputy Chair

Geographic Working Groups

South Asia

Southeast Asia

East Asia

Australia and the Pacific

Thematic Working Groups

Immigration Detention

Legal Aid and Advocacy

Women and Girls at risk

Right to Health

International Advocacy

Coordinator

Staff/Volunteers

Secretariat

Members of the 2008-2009 and 2009-2010 Steering Committee
APCRR2 Program Summary
### APCRR2 Program

**Tuesday, 6 October 2009 (Pre-Conference Seminars and Meetings)**

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<tr>
<td>08.00 – 09.00</td>
<td>Registration and Morning Coffee</td>
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<tr>
<td>09.00 – 09.15</td>
<td>Introduction and Welcome Remarks</td>
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<tr>
<td>09.15 – 10.45</td>
<td>The International Resettlement Regime</td>
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<tr>
<td>10.45 – 11.15</td>
<td>Coffee Break</td>
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<tr>
<td>11.15 – 12.45</td>
<td>Protecting Human Rights Defenders Roundtable: UNHCR and RSD</td>
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<tr>
<td>12.45 – 14.00</td>
<td>Lunch</td>
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<tr>
<td>14.00 – 15.30</td>
<td>Roundtable: Updates on Refugee Issues in the Asia Pacific Region</td>
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<tr>
<td>15.30 – 16.00</td>
<td>Coffee Break</td>
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<tr>
<td>16.00 – 17.30</td>
<td>Introduction to Refugees in Thailand</td>
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<tr>
<td>18.30 – 20.30</td>
<td>Steering Committee Meeting</td>
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**Wednesday, 7 October 2009 (Day 1 of APCRR2)**

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<td>09.00 – 09.30</td>
<td>Introduction and Welcome Remarks</td>
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<td>09.30 – 10.45</td>
<td>Plenary 1: Review of Key Developments Impacting the Protection of Refugee Rights in the Asia Pacific Region</td>
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<td>11.15 – 12.45</td>
<td>Geographical Sessions 1&lt;br&gt;Key Issues and Opportunities for Advocacy in South Asia&lt;br&gt;Key Issues and Opportunities for Advocacy in Southeast Asia</td>
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<td>12.45 – 13.30</td>
<td>Lunch</td>
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<tr>
<td>13.30 – 15.00</td>
<td>Geographical Session 2&lt;br&gt;Key Issues and Opportunities for Advocacy in East Asia&lt;br&gt;Key Issues and Opportunities for Advocacy in Australia and the Pacific</td>
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<td>15.00 – 15.30</td>
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<td>15.30 – 17.00</td>
<td>Thematic Session 1&lt;br&gt;Legal Aid and Advocacy&lt;br&gt;Women and Girls and Risk&lt;br&gt;Education</td>
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<td>17.00 – 18.30</td>
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APCRR2 Program

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<tr>
<td>08.30 – 09.00</td>
<td>Morning Coffee</td>
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<tr>
<td>09.00 – 10.30</td>
<td>Thematic Session 2&lt;br&gt;Immigration Detention&lt;br&gt;Right to Health&lt;br&gt;International Advocacy</td>
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<tr>
<td>10.30 – 11.00</td>
<td>Coffee Break</td>
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<td>11.00 – 12.00</td>
<td>Geographical Session 3 (All sessions concurrent)&lt;br&gt;Action Plan</td>
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<tr>
<td>12.00 – 13.00</td>
<td>Thematic Session 3 (All sessions concurrent)</td>
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<td>13.00 – 14.00</td>
<td>Lunch</td>
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<td>14.00 – 15.30</td>
<td>Plenary 3: Dialogue with UNHCR</td>
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<td>Coffee Break</td>
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<td>16.00 – 18.00</td>
<td>Plenary 4: Moving Forward Together</td>
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<td>18.00 – 18.30</td>
<td>Closing Remarks and Photos</td>
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Saturday, 10 October 2009—Training

Program 1

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<td>09.00 – 13.30</td>
<td>Working with People in Immigration Detention</td>
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<td>13.30 – 14.00</td>
<td>Planning Meeting: Working With Victims of Torture</td>
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<tr>
<td>09.00 – 15.00</td>
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The 2nd Asia Pacific Consultation on Refugee Rights (APCRR2) organised by the Asia Pacific Refugee Rights Network 6–8 October 2009

The 2nd Asia Pacific Consultation on Refugee Rights was held at the Windsor Suites Hotel Bangkok, Thailand.
SUMMARY DESCRIPTION OF PRE-CONFERENCE SESSIONS AND MEETINGS
The International Resettlement Regime

**Facilitator:** Victor Biak Lian (Chin Human Rights Organisation)

**Speakers:** Graham Thom (Amnesty International Australia); UNHCR Regional Protection Hub for the Asia-Pacific

What are the mechanisms by which resettlement countries decide who and how many refugees to resettle? What are the different categories (and associated criteria) for resettlement? What is the ATC, and should civil society groups participate more actively? What is “strategic resettlement”, and what are its failures and achievements? How can civil society in countries of first asylum collaborate effectively with civil society in resettlement countries within the APRRN?

Protecting Human Rights Defenders

**Speakers:** Emerlynne Gil (Forum Asia)

How can we develop mechanisms and procedures to protect our own staff from violence and threats? How do we conduct risk assessment when deciding on advocacy?

Roundtable: UNHCR and RSD

**Facilitator:** Johime Lee (Hong Kong Refugee Advice Centre) and Karen Moore (Asylum Access)

Advocacy based on a positive and collaborative working relationship between NGOs and the local UNHCR office can lead to positive changes in policy and procedures locally. Some examples of successful advocacy include allowing legal representatives to attend interviews, written reasons for refusal and disclosure of evidence procedures. This roundtable would be an opportunity for NGOs working in the area of refugee legal aid to discuss their relationship with the UNHCR office in their respective areas, share what UNHCR's priorities are from office to office and how it affects refugee legal aid provision and compare the standards and procedures of RSD being conducted by UNHCR on an office-by-office basis. Hopefully this roundtable will allow participants to share common issues and challenges, and how can we push the agenda forward with UNHCR locally, regionally, and globally.

Roundtable: Updates on Refugee Issues in the Asia Pacific Region

**Facilitator:** Alice Nah (Migration Working Group, Malaysia/HAKAM)

Participants in the room shared about issues they have been facing in refugee rights advocacy.

Special Meeting: Asian Refugee Legal Aid Network Project

**Facilitator:** Martin Jones (Fahamu/Southern Refugee Legal Aid Network, SRLAN)

The ARLAN Project focuses on bringing together legal aid organizations across the Asia Pacific region over a two year period to engage in structured training, mutual capacity building, and sharing resources and strategies in order to strengthen the provision of legal aid and to assist in the building of national pro-bono networks of lawyers.

Introduction to Refugees in Thailand

**Facilitator:** Veerawit Tianchainan (USCRI Thailand)

**Speakers** provide an overview of the key issues faced by refugees in Thailand.
SUMMARY DESCRIPTION OF POST-CONFERENCE SKILLS TRAINING PROGRAMS
Working with People in Immigration Detention

This training was organized by Grant Mitchell of the International Detention Coalition and Foundation House.

This training is suitable for groups already visiting or working in places of detention, or who planned to begin work in this area. The objective of this training is to give an introduction to human rights standards and mechanisms relating to immigration detention and to explore considerations in working with people in immigration detention, including (a) the impact of the detention environment on psychosocial health and well-being, (b) considerations when working with vulnerable groups in places of detention, and (c) the psychological and emotional impact on those involved in this work as well as survival strategies.

Planning Meeting: Working With Victims of Torture

This training is hosted by the International Detention Coalition and the Victorian Foundation for Survivors of Torture.

APRRN members working with torture or trauma survivors attend this planning session and explored the development of a joint training course to strengthen the capacity of APRRN members in assisting victims of torture, including refugees in urban areas and in detention centers.

Advocacy at UNHCR

The training is provided by Eileen Pittaway and Linda Bartolomei from the Centre for Refugee Research, University of New South Wales.

This training provides information and advice to help NGOs participate in UNHCR’s Annual Consultations with NGOs and UNHCR’s Executive Committee (including its annual Plenary and Standing Committee Sessions. It also addresses the High Commissioner’s Dialogue and the Annual Tripartite Consultations on Resettlement. It explains the role and function of each of the meetings, how they are organized, and what opportunities participants have to engage in each of them. Based on their experience of regularly attending these meetings the facilitators share examples of effective advocacy and handy tips on how to prepare, strategize and seek advice.

APCRR 2 Participants during one of the sessions.
Photo courtesy of Soo Jin Hyung.
THE 2ND ASIA PACIFIC CONSULTATION ON REFUGEE RIGHTS
Review of Key Developments Impacting the Protection of Refugee Rights in the Asia Pacific Region

Raymond Hall, UNHCR Regional Coordinator for Southeast Asia and Regional Representative in Thailand

Raymond Hall noted that APRRN has brought together an impressive gathering of civil society organisations for the Consultation and has conducted important activities in a very short space of time. He emphasised that civil society involvement is critical and essential to refugee protection.

BACKGROUND

In the Asia Pacific region, there is an ‘asylum vacuum’ due to the a lack of legal and social frameworks to protect refugees and asylum-seekers. These factors consist of a low accession rate to the Refugee Convention (only Philippines and Bangladesh); few national asylum systems in place which leads to low standard of treatment and poor access to basic services and employment; and few local integration structures available. There is also poor development in law and institutions. All these factors provide very little in terms of solutions for refugees.

BALI PROCESS

UNHCR is participating in the Bali Process, an intergovernmental process which bring governments together to work on practical measures to help combat people smuggling, trafficking in persons and related transnational crimes in the Asia-Pacific region and beyond. The Bali Process, after seven years, will be taken to the next level by being in the forefront of Regional Consultative Processes (RCPs) and global fora such as the Global Forum on Migration and Development (GFMD). The Bali Process also agreed that Ad Hoc Group (AHG) mechanisms used during the establishment phase of the Bali Process be re-tasked to develop regional responses to specific challenges upon the request of affected countries.

UNHCR’s advocacy in countries of asylum focuses on admission and equal access to protection screening.

With regards to national asylum systems – there is a lack of systems and a lack of protection space. Governments have to take ownership of the situation.

MAIN POPULATIONS

The largest populations of persons of concern in the region stem from Myanmar, Afghanistan and Sri Lanka. These vulnerable individuals are often mixed with migrant flows and are in need of pro-
UNHCR has compiled a table on the main groups registered by Key Countries of Origin (January to June 2009). However, these figures are not definitive as they represent only the individuals UNHCR has actually been able to register. Since UNHCR does not have access to large communities of Rohingyas, they cannot say with certainty the number of arrivals of Rohingya refugees. The same dilemma exists in Myanmar.

**Afghans**

The number of Afghans arriving increased exponentially in 2009 as a result of deterioration in the country’s stability or at minimum, the lack of improvement in that region. Countries most affected by the influx of Afghans are Indonesia and Australia.

**Burmese**

Renewed conflict in Myanmar has resulted in outflows to Thailand (3,500 Karen) and China (over 30,000). We face the challenge of continuing inflows.

**Tamils**

In Sri Lanka, internment of displaced Tamils and ongoing rights violations have resulted in the continuing exodus of asylum-seekers.

**Rohingyas**

Rohingyas have been a major advocacy issue for UNHCR in this region and incremental progress is being made in widening humanitarian spaces, stabilizing the Rohingya population in Bangladesh, and ensuring protection space in other asylum countries. Furthermore, Rohingyas are a critical refugee group in the region as there are well documented cases of push-backs to sea, highlighting the need for comprehensive regional solutions for them. UNHCR has been advocating for access to perform RSD and in Bangladesh, where camp conditions are improving, UNHCR is working to address the situation of the unregistered Rohingya population.

**Stateless Individuals**

There are over 5 million stateless people in the Asia Pacific region, most of whom are in South and Southeast Asia. In Vietnam, the naturalisation of former Cambodian refugees and the revised National Law are helping to reduce statelessness. In Bangladesh, citizenship rights of some 300,000 Biharis were recognised in 2008 and they were issued national ID cards and allowed to participate in the 2008 general elections.

**Urban Refugees**

The problem of Urban Refugees is a challenge of the future and will be addressed at the High Commissioner’s Dialogue on Urban Refugees in December 2009. Major urban refugee populations in the Asia-Pacific region include India, Malaysia, Hong Kong, and Thailand. The new UNHCR policy on urban refugees issued in 2009 (Policy on Refugee Protection and Solutions in Urban Areas) is based on the principle that the rights of refugees are not affected by their location. Implementation of this new policy will be a challenge, requiring prioritization of needs.

**UNHCR Activities**

**Cambodia**

Progress is being made in Cambodia where a Refugee Office was established in 2008, and national legislation on refugees is being developed.

**Korea**

In the Republic of Korea, there are ongoing capacity building projects with the government to improve the asylum process, including access to asylum and quality of decisions.

**Philippines**

In the Philippines, UNHCR helps the government build their national asylum systems by hosting study visits of government counterparts (Cambodia and Timore Leste) and advocating for best practices. It facilitates the exchange of expertise and concentrates on building continuing capacity of the stakeholders.
Malaysia
Registration is a core area in which UNHCR is seeking collaboration with the government and by the end of 2009, it will register 40,000 new arrivals.

Thailand
In Thailand there is a pre-screening exercise in 4 camps that has contributed towards resolving the situation of the large number of unregistered refugees in the camps.

India
In India, UNHCR is streamlining its system by registering new arrivals within 3 weeks after arrival.

DETENTION
Detention is a critical issue and one that UNHCR wants to give heightened attention. Detention is a significant aspect of the urban refugee problem where for instance in Thailand, 14% of the urban refugee population is detained. Also in Malaysia, detention of persons of concern is common and puts refugees at risk of refoulement. UNHCR and civil society need to collaborate to effect changes in governmental policy.

RESETTLEMENT
On the issue of resettlement, 50% of global resettlement submissions by UNHCR in 2008 came from Asia and this trend is expected to continue through 2010. The biggest resettlement operations occur in: Nepal (23,000), Thailand (over 20,000) and Malaysia (some 9,000). In 2010, Japan will become the first Asian resettlement country. This year, the Philippines established the Emergency Transit Mechanism in.

CONCLUSION
There is a poor level of protection space and some governments such as Thailand have closed down to the extent that they have stopped accepting asylum cases. Moreover, UNHCR is functioning in lieu of governments, which should not be the case. Governments must be encouraged to take over ownership of refugee protection and to exercise this in accordance with international standards. UNHCR should continue to provide protection but it has to focus strongly on the governments to make them take ownership and alleviate the increasing level of refugee problems in accordance with international standards.

Eileen Pittway, Director, Centre for Refugee Research, UNSW, Australia
Eileen expressed that she is happy that that APRRN focuses on advocacy.

Refugee problems in this region are full of complexities. The biggest challenges and complexities of the region include those emanating from host refugees countries and refugees producing countries. We have to be aware that some countries are both.

The popular topics right now are the Sri Lankans, Rohingyas and the IDPs from the Swat Valley, Pakistan. APRRN should be able to respond to these emerging issues.

ISSUES
Accession to the Refugee Convention
In general, few countries in the regions have ratified the Refugee Convention. Those who have, such as the Philippines, Afghanistan and China, are actually the major producers of refugees. In contrast, countries such as Thailand, India, Nepal, Bangladesh, Indonesia and Malaysia who have not signed the convention host significant refugee populations.

Statelessness
Statelessness is also a significant issue but often not spoken about.

Forgotten refugees
There are a number of protracted refugee situations which can result in refugees being
forgotten. We should not forget about refugees who are languishing in camps for over 20 years. Examples of the forgotten displacement refugees are unregistered refugees, such as the Shan community in Thailand, and conflict affected IDPs. In addition, other forgotten populations include the Tibetans in Nepal, Chin in Mizoram, Afghans in Pakistan, Filipinos in Malaysia and Indonesians and North Koreans in China. APRRN should provide input and sharing of information on the various groups mentioned above.

Mixed Flows
Mixed flows, a situation where migrants and refugees move together, adds to the complexity of refugee protection as many unregistered refugees have been identified as migrants.

Trafficking
The trafficking of refugees is an important nexus for consideration which adds to the complexity of refugee protection.

Gender Issues
Gender issues are significant as rape and sexual violence are endemic at all sites. Gender should have been mainstreamed but in fact it tends not to get mentioned; we must keep bringing it up.

Resettlement
The impact of resettlement and resettlement outcomes must be examined. When mass resettlement takes place out of camps, it removes key people from the refugee communities. Are governments going to provide additional or alternative support to those left behind? Resettlement is not an end of problems. There will be issues such as family reunification that will arise afterwards and must be addressed.

Avenues for Advocacy
Locally, regionally and internationally, APRRN needs to share the political environment. Regionally, we should look at UNHCR. We have to pick who we want to engage with; we have to get involved in international lobbying. At the NGO Consultations in Geneva and during Excom, for example, we can organise formal APRRN meetings with senior staff of UNHCR, we can hold panels and presentations at all appropriate meetings, provide input into all NGO Statements and Rapportuers Reports, and hold bilateral meetings.

Specifically in terms of the urban refugee problems, input can be provided by APRRN into the High Commissioner’s Dialogue in December. This should be a coordinated input with a clear messages to put forward. APRRN can provide suggestions for implementation guidelines, input into deciding local priorities and
Review of Key Developments Impacting the Protection of Refugee Rights in the Asia Pacific Region

ensure that refugees have a key role in this policy. Refugees themselves are more realistic than organisations. We can follow these up at other Geneva Meetings.

In terms of resettlement concerns, we can target the Annual Tripartite meetings on Resettlement in Geneva in June each year. We can coordinate input into these meetings for APPRN members.

QUESTIONS AND ANSWERS

Collaboration between governments on terrorism

A participant asked a question about Sri Lanka. Governments are collaborating with each other and the treatment of minorities is not good. How does the India government collaborate with Myanmar? There are serious issues of democracy and common agreed policies on terrorism that lead to the suppression of armed forces; how do we deal with these alliances?

Raymond Hall stated that aspects on the war on terror and preoccupation on terrorism is affecting regional cooperation in the area and is narrowing the protection space. However this is a global issue. There are simplistic views and policies that prevail on national securities. This is not to deny that terrorism is a real issue but what we need to advocate is to have in place the necessary safeguards to ensure the innocent victims of persecution or conflict are not prevented from having access to protection.

Resettlement of key individuals creating gaps in communities

Another participant from Nepal raised questions on the impact of resettlement. There are dynamics emerging amongst refugee communities in relation to third country resettlement – doctors, nurses, political leaders and social mobilizers have been the first to board the plane and this results in gaps in the countries where they left. What are the coping mechanisms?

Raymond stated that this is a situation similar to that occurring in Thailand where there is now a loss of capacity in the camps. It’s a complex issue. However, you cannot hold people hostage. UNHCR and NGOs have to adapt programmes taking into account this depletion either through training or capacity building. In Thailand, we look into better integration with the government. Let’s look at this as an opportunity for integration – focus on training, adapting our programmes and looking for opportunities from government and getting those services engaged.

Situation in Bangladesh

A participant raised a question about Bangladesh where there are threats talked about in terms of
repatriation. The statistics may be misleading. The inflow of Rohingyas has not come to a halt. There is some sort of cooperation between Bangladesh, India and Myanmar. What is the impact of this economic crisis? There is barbed wire placed around the Myanmar border.

Raymond noted that there are economic and political factors beyond the influence of UNHCR. We need to contextualise the situation; there is a nexus of political issues and complex issues getting played out. We shouldn’t over simplify. Myanmar is taking measures on people leaving their country. We have to place our intervention in this context; we have to be aware and educated of the economic and political issues before engagement and advocating. There is a possibility of raising border concerns when Myanmar has their elections.

Bali Process

A participant asked what is expected for refugee protection from the Bali Process?

Raymond noted that the Bali Process is positive only in a limited way. The Bali process discussions on Rohingyas have had incremental benefits. It enabled UNHCR to dialogue with Myanmar authorities on the refugee situation. As a result, today, Myanmar has extended the MOU with UNHCR and has allowed UNHCR to strengthen its programming for the country. In addition, Myanmar has put into place social and economic initiatives for the Northern Arakan state. It is significant since UNHCR can now remain.

The Bali Process has also facilitated dialogue between Bangladesh and UNHCR concerning the methods to register the Rohingyas, whereas prior, Bangladesh did not allow for this.
GEOPHraphical WoRkING GRoUp DISCUSSIONS AND AcTION PlANS FOR 2009-2010
The end of the war has not ended the problems for IDPs and minority groups in Sri Lanka. The Sri Lankan government is working together with other governments in the region to ensure that asylum-seekers in these countries are returned to Sri Lanka. The threat to individuals working on refugee issues in Sri Lanka is also significant and there is a need for partnership across the region. There is also a need for autonomy of refugees to be recognized; their views should be respected.

There is also a need for IDP camps to be opened and there is a lot of uncertainty as to what will happen when the people are actually allowed to leave the refugee camps. Will they return? Will they seek to leave the country? There is also a question of LTTE connections and “material support” provisions. Asylum-seekers with any LTTE connections should not be automatically excluded from refugee status and resettlement.

The government has different requirements/rights for migrants from different countries. UNHCR is not permitted to access the Sri Lankan refugee camps.

Nepal hosts refugees from Tibet and Bhutan in camps, and also have a population of refugees outside camps from Pakistan, Afghanistan, and Somalia. Currently there are no national laws or policies to deal with refugees. Furthermore, there is no systematic legal framework nor health support for refugees. At present there are services provided by NGOs but the demand is outstripping supply.

Another issue facing the Nepalese government is mixed migration as the “Treaty of Peace and Friendship” between Nepal and India that allows for free flow of people between Nepal and India resulted in neither country recognizing refugees arriving from the other country.

Tibetan refugees

There are approximately 30,000 Tibetan refugees in Nepal including those who have been protesting against the Chinese government and its actions in Tibet who are subject to arrest and detention.

Bhutanese refugees

A number of refugees are refusing resettlement because they would rather return to Bhutan. A question was raised on how civil society can assist in repatriation and what would be the impact of resettlement on the Bhutanese.

Afghans

Afghans are the largest group at 1.7 million refugees. The original plan was to return these Afghans by the end of 2009. There is a government-established regis-
Major Advocacy Issues in the Region (Country Specific)

Administration authority, however, problems arise as people who are arrested are not being treated under a new law, which leaves them without legal assistance for three months. In addition, the government has closed some of the camps on allegations that some Afghans were associated with criminal activity.

IDPs
IDPs are also an issue with 4 million people still displaced.

Issues of General/Regional Concern and Areas of Potential Advocacy

♦ Need to pressure governments to ratify the 1951 Convention.
♦ Need to internationalize South Asian refugee problems.
♦ Need to continue to communicate and advocate across all sectors of society that refugee rights are human rights.
♦ Need to recognize the impact of environmental disasters as a cause of displacement.
♦ Multiple and repeated displacement is a cause for concern.
♦ Securitization of the region has an impact on migration and refugee protection.
♦ Major question is how to push governments, especially India which has a strong influence in the region, to improve refugee protection.
♦ We can explore advocacy for refugee protection through SAARC.
♦ Need to use the SAARC trafficking protocol. SAARC is also a good forum for promoting a multilateral approach to refugee issues. However, we should be realistic about what can be achieved through this mechanism; perhaps explore potential for advocating for refugee protection along with migrant rights.
♦ Should recognize some of the gains that have already been made for refugees (e.g., recognition of the right to health care in India).
♦ Can share information regarding legal cases.
♦ Need to strengthen legal education/training of lawyers on refugee issues across the region.

Main Populations of Concern in the Region
♦ Sri Lankans (across the region)
♦ Afghans in Pakistan (and across the region)
♦ Rohingya, Chin and other people from Burma.
♦ Bangladeshis
♦ Africans

BANGLADESH
There is a need to sensitize the government more to the needs of refugees and produce a climate change. In addition, there is an issue with the Jumah minority refugee group in Chittagong.

SOUTH ASIA

♦ Opportunities in the region include:
♦ Greater democratic space.
♦ General elections in Burma - how can we engage with civil society groups in Burma?
♦ Issues: Prior to elections there are likely to be increased refugee flows; and after if the results are undemocratic.
♦ Strengthening the growth of the South Asia Working Group within APRRN.
♦ Public education.
♦ Profiling forgotten refugee populations such as Somalis.
♦ Need for a common strategy across the region and at a national levels.
♦ Need to recognize the link between refugee issues with issues faced by undocumented migrants.
SOUTH ASIA

- Face-to-face meeting of South Asia Group in the region
- Continued periodic information sharing through the blog and APRRN website regarding:
  - Burning issues
  - Changes in government policy
  - Key cases and legislation
  - Updating the blog that was established last year.
- Establish more contacts in the region.
- Working with refugees, bringing them into the Network,
- Map refugee flows in the region including urban refugees.
- Supporting campaigns promoting the ratification of the 1951 Convention.
- Initiation of a campaign to introduce refugee protection provisions within SAARC.

2009-2010 APRRN South Asia Representatives
Chair
Lakshan Dias (SANRIM, Sri Lanka)
Deputy Chair
Dr Gopal Krishna Siwakoti (INHURED International)

The Facilitators for this session were:
Lakshan Dias
Priyanca Mathur Velath

Major Advocacy Issues in the Region (Country Specific)

MALAYSIA

A major concern in Malaysia is the arbitrary arrest and detention of refugees and asylum seekers by RELA. Once a refugee or asylum seeker is arrested, they have to pay large sums of money for their release; however if they cannot afford to do so, they are sold/trafficked.

Furthermore, Malaysia ranking as dropped to Tier 3 in the US Trafficking Report where the issue of refugees was specifically mentioned, prompting US representatives to consult civil society on how to tackle the issue. However, there is a need for the US to also pay attention to refugees and asylum seekers in detention centres and how this group is vulnerable to trafficking.

Resettlement is another key issue as visits to Malaysia by Japanese, Hong Kong and Korean NGOs confirmed that only select groups have access to resettlement. Thus, there is a need for joint advocacy efforts to UNHCR and resettlement countries to expand or change resettlement criteria to include other groups fairly.

THAILAND

Thailand is not a signatory to the 1951 Convention. Refugees and asylum seekers outside of camps are categorized as illegal migrants and are subject to arrest, detention, and deportation. In addition, the UN has cut off certain segments of its aid policy for urban refugees and asylum seekers in Thailand, thus there is a need to advocate for funding from the UN for these refugees.
Major Advocacy Issues in the Region (Country Specific)

and asylum seekers. Another issue facing refugees is education. Under the Education for All policy, refugees are allowed to enrol in national schools but the problem is lack of proper documentation, not to mention the discrimination they face in schools.

Regional Needs

- Increased collaboration and joint advocacy to ensure the effective implementation of UNHCR’s Urban Refugee Policy (URP), including the identification of a focal point within APRRN for forgotten caseloads of African refugees and asylum seekers in the Asia Pacific region.
- Explore ways to get states to sign the 1951 Convention and strengthen domestic laws, while also exploring opportunities for joint advocacy to strengthen international monitoring of refugee rights through the URP process, UN human rights Mechanisms, a refugee rights monitoring body appointed by the High Commissioner or a Special Rapporteur on Refoulement.
- Increased collaboration within APRRN to ensure protection is adequately included in the responses of regional intergovernmental organisations, including the Bali Process, ASEAN Human Rights Commission, ASEAN Framework on Migrant Workers, and UNHCR consultations along with the 10 Point Plan dealing with mixed migration flows.
- Encourage UNHCR to be more open and transparent, and to work in a collaborative basis with refugee communities, local community based organisations and national NGOs.
- NOTE: Protracted refugee situations in the region were raised but no concrete recommendation was put forward.
- Lobby Australia to be more accountable for the money that they have spent.
- It was noted that programs for the millennium goals are supposed to help the poorest of the poor, but none of the money seems to be allocated for refugees. Someone in U.S. got the money cut off until refugees are added to recipient list. More clarification is required on the subject.
- Descriptions and contact information of member organizations and what they do for refugees especially on detention were called for. This will help in identifying people who can provide country of origin information. This leads to easy access for people to identify who does what and to contact the relevant groups for information.

Discussion

**Advocacy for States to Ratify the 1951 Convention**

Refugees are in a particularly poor protection environment in states that have not ratified the Convention as they often have no rights even when they have Mandate refugee status (through UNHCR). They are at risk of arrest, detention and refoulement. Great concerns were raised regarding UNHCR’s transparency in their efforts to lobby...
for the adoption of the Convention. One participant commented, “UNHCR often claims that governments are uncooperative, [but] their work on achieving ratification is not apparent.” APRRN is really the voice of the voiceless refugees, which makes us their constituency in this region.

In response, a call was made for members of civil society to strategise on ratification and to stop relying on UNHCR to accomplish this. It is important for civil society to start with influencing Parliamentarians and country policymakers to build a groundswell of interest and awareness. A way this can be done is by lobbying and spreading awareness during party meetings. Groups have to analyse their national socio-political situation and strategise best ways to influence the political system. This was generally agreed upon.

In response, a call was made for members of civil society to strategise on ratification and stop relying on UNHCR to accomplish this. It is important for civil society to start with influencing Parliamentarians and country policymakers to build a groundswell of interest and awareness. A way this can be done is by lobbying and spreading awareness during party meetings. Groups have to analyse their national socio-political situation and strategise best ways to influence the political system. This was generally agreed upon.

UNHCR

UNHCR advocates for the rights of refugees all over the world. In many countries, UNHCR is responsible for Refugee Status Determination (RSD) and the implementation of durable solutions: broadly speaking, voluntary repatriation, local integration, and resettlement. As the first two are usually not viable options, refugees often wait for resettlement, during which they are stranded in their host country. This process can be lengthy and cumbersome as there are UNHCR recognized refugees who have been in Thailand for ten years still awaiting resettlement, during which time, they are unable to work and cannot study. A suggestion was made to clarify with UNHCR on their standard operating procedures in order to establish some means of accountability.

Many methods of advocacy to UNHCR were discussed. One strategy presented focused on collaborative efforts and open dialogue, where NGOs could have meetings with UNHCR. Meetings have been held on reasons for rejections and lack of access to refugees’ testimonies, and as a result, there has been some progress on that level.

One controversial suggestion was getting refugee groups to rise up against UNHCR, which prompted strong disagreements as these efforts can be counterproductive. A specific example provided was a case in Egypt where refugees did this and were subsequently killed when UNHCR set the local police on them. In addition, refugees have protested, some through extreme means such as setting fire to objects and even themselves, yet there is little change and accountability.
Targeting donors was another advocacy avenue that was explored. Since UNHCR is accountable to their source of funding, this method might be more useful as a strategy than protests. It was agreed that targeting UNHCR donors is very important, and since Sweden is chair of EU this year, sending letters to Sweden, individually or as network, could be effective. To accomplish this, further information can be shared on the identities and contact information of key personnel. However, it was noted that demonising UNHCR should be avoided as there are people within the organization that work with civil society who are quietly pushing good agendas from inside the organization.

A comment was made that UNHCR was only afraid of publicity, thus refugees can engage in advocacy by starting newspapers, writing coherent letters in English to the High Commissioner and sending copies to various groups. This will raise publicity for refugee voices and provide a creative outlet as well. Refugees in Thailand expressed a willingness to work with groups in the country who can advise them on ways to accomplish this. Members were cautioned that although this is a good strategy, there are dangers because the government can use these against refugees. This is especially true in countries with small humanitarian space where support for UNHCR cannot be lost especially from donors and governments.

It was also stated that UNHCR considers refugees not like people, but like paper, and when a case is called, it is just a case and not someone's life. Complaints made by refugees are often unreported as refugees do not usually have the skills to properly document the situation in writing. In Malaysia, the Migration Working Group (MWG) has recently decided that as part of its strategy on advocacy to UNHCR, documentation of refugee complaints will be done and then compiled in a paper. If APRRN produces a similar compilation of common issues and complaints, it would be easier to approach donors. There are many disparate voices regarding UNHCR, and although there are many complaints on the RSD process, there are also other issues which can be addressed in the compilation. Thus, groups should provide support and gather evidence to assist with providing a clearer and more complete picture of UNHCR issues. It was commented that it is difficult to get UNHCR to change at the local, regional or Geneva level. The only solution is to publish.

**UNHCR often claims that governments are uncooperative, [but] their work on achieving ratification is not apparent.**  
-APCRR 2 Participant

### Advocacy Methods

- Coordinate with others in the member's home country and lobby on a national level.
- Conduct research on previous successful strategies for ratification of other conventions which can be duplicated in lobbying for ratification of the 1951 Convention.
- Utilize inter-parliamentary caucuses such as the ASEAN inter-parliamentary caucus on Myanmar and also migrant workers. Groups can identify parliamentarians in their respective countries who are involved in those caucuses, and work with them to recruit more parliamentarians to join.
- Garner international publicity, which is needed not just to pressure governments, but also UNHCR. Such publicity is meant to be complementary to the other ongoing work aimed at encouraging ratification.
- Work on lobbying parliamentarians is going on in various countries in the region and that has to be recognised. There is much interest in the region from countries outside the region, and publicity can help further this cause. International publicity is needed not just to pressure governments, but also UNHCR. Such publicity is meant to be complementary to the other ongoing work encouraging ratification.
**2009-2010 Action Plan**

- Increased collaboration and joint advocacy to ensure the effective implementation of UNHCR’s Urban Refugee Policy (URP), including the identification of a focal point within APRRN for forgotten caseloads of African refugees and asylum seekers in the Asia Pacific region.
- Collate information on the situation of African refugees and asylum seekers in various Asia Pacific countries via members of APRRN.
- Members with caseloads of small refugee groups can also refer them to Australian groups to advocate for resettlement.
- Explore ways to get states to sign the 1951 Convention and strengthen domestic laws, while also exploring opportunities for joint advocacy to strengthen international monitoring of refugee rights through the URP process, UN human rights Mechanisms, a refugee rights monitoring body appointed by the High Commissioner or a Special Rapporteur on Refoulement.
- Study strategies of how civil society has successfully advocated for other conventions in the past and apply those strategies to lobby governments to sign the refugee convention. Examples of such conventions are CEDAW, CRC and CAT.
- Increase collaboration within APRRN to ensure that protection is adequately included in the responses of regional intergovernmental organisations, including the Bali Process, ASEAN Human Rights Commission (incl. the Framework on Migrant Workers) and UNHCR’s Consultations on the 10 Point Plan dealing with mixed migration flows.
- Lobby governments who are concerned with trafficking in the region such as the US and Australia to address the need of protection as many trafficking victims are refugees and asylum seekers. In addition, highlight the issue of labour trafficking as refugees and asylum seekers are vulnerable to exploitation, particularly in urban settings.
- Lobby the Australian Government in raising APRRN’s concerns at the Bali Process.
- In relation to lobbying the ASEAN Human Rights Commission to take on refugee rights, a test case to be taken up to the Commission on Rohingya issue.
- Work with regional organisations (FORUM-ASIA, Migrant Forum in Asia and/or Asia Pacific Consultation) that are involved in advocacy to regional bodies or institutions. This can avoid overlap in advocacy efforts.
- Encourage UNHCR to be more open and transparent, and to work on a collaborative basis with refugee communities, local community based organisations and national NGOs.
- Training and/or awareness programmes on refugees for enforcement agencies to help these actors understand the needs of refugees and their need for international protection.

**2009-2010 APRRN South East Asia Representatives**

**Chair**
Temme Lee (SUARAM), Malaysia
Deputy Chair
Amy Alexander (CHRO), Thailand

**The Facilitators for this session were:**
Victor Biak Lian
Josephine Tey
Major Advocacy Issues in the Region (Country Specific)

**CHINA**

**Mainland**

Although China is a signatory to the 1951 Convention, it does not have an RSD procedure and the role of UNHCR Beijing is almost unknown. There are no known law firms or lawyers taking on refugee cases.

**Macau**

The Convention is extended to Macau and the Macau government has its own recently developed RSD procedure implemented by an RSD committee composed of 5 members. There is also an appeal procedure, however, there are no known NGOs or lawyers working on the refugee issue in Macau.

**Hong Kong**

The Refugee Convention is not extended to Hong Kong and the government does not have an RSD procedure, thereby leaving the task to UNHCR. Strides were made in July 2008 when UNHCR began issuing detailed written reasons for refusal however, it has yet to publish its RSD guidelines including the issue of legal representation. Current difficulties facing asylum seekers include detention, which can last up to 10 days. Although some NGOs do have access to detained asylum seekers, there is a lack of local solutions because all refugees will eventually be resettled, with a majority resettling to Canada, Australia and the US.

Policy changes may be on the horizon as Hong Kong is a signatory to the Convention against Torture (CAT) and the government has its own procedure overseen by CAT. In addition, the non-refoulement principle does apply which provides a possibility for some asylum seekers to stay in HK legally. Since two parallel procedures exist containing many overlapping elements, NGOs hope that HK will eventually move towards accession to the Refugee Convention.

**JAPAN**

The number of refugee applications has increased dramatically; there were 1600 applications submitted in 2008 which is almost four-folded compared to the previous year. The number of recognition increased as well in 2008 where 57 cases were recognized and 360 people received humanitarian status. However, in 2009 there seems to be a decrease in recognition as compared to 2008. Burmese and Turkish Kurds are the biggest asylum seeking groups.

In 2009, the Japanese government failed to secure the budget to provide financial assistance to asylum seekers and in April 2009, financial assistance to 100 asylum seekers was terminated. Above that, asylum seekers and refugees suffered job losses due to the economic recession. Amid such a humanitarian crisis of asylum seekers in Japan, JAR and other NGOs started an emergency campaign to gather donations to provide some financial assistance to asylum seekers who were denied access to government funds.

A number of challenges remain for the government’s RSD procedure including unclear reasons for rejections, prolonged procedure (2 years on average) and no work permit for asylum seekers who did not have a visa at the time of application.

There have been some positive developments since 2008. Due to the emergency campaign by NGOs,
the refugee issue has received a lot of media attention. In addition, JAR has been invited to take part in trainings for immigration officers. Also, the Japanese government will start a pilot resettlement program, accepting 30 Karen refugees from camps in Thailand each year for 3 years starting in 2010. Furthermore, with the change of the administration, civil society organizations in Japan hope to see a major revision of refugee law.

KOREA

The South Korean government has recently accelerated the RSD procedure leading to an increase in decisions, however, most of them are rejections. Among roughly 900 rejected asylum cases so far, 500 were rejected this year. The reason for this acceleration is the amendment of the Immigration Act last December which enabled the government to give work permits to asylum seekers whose cases have been prolonged for more than 1 year.

Issues of General/Regional Concern and Areas of Potential Advocacy

HUMANITARIAN STATUS IN JAPAN

A participant expressed concerns about the Japanese government’s tendency to grant humanitarian status instead of refugee status. Humanitarian status holders are not able to access the integration program and other government services provided for recognised refugees. Also, they cannot get proper travel documents.

DEPORTATION IN JAPAN

There was a question about the deportation of rejected asylum seekers in Japan. Japanese government does not tend to deport rejected asylum seekers forcefully but seems to prefer indefinite detention of these people until they decide to leave voluntarily. Also, in Japan, theoretically it is possible for rejected asylum seekers to file the application again over multiple times which is one of the reasons for the prolongment of the RSD procedure. However, because of the existing flaws in current RSD system, many genuine refugees do not get the recognition in their first application so reapplication sometimes is the only way out for them.

TREATMENT OF REFUGEES

A participant commented that immigration officers in Korea have shown hostile attitudes and discriminatory treatment towards asylum seekers.

Also, it was pointed out that in Korea and Japan, Burmese asylum seekers have to attend the demonstrations frequently and explicitly in order to get refugee recognition. This would reflect the interpretation that the persecution in
Issues of General/Regional Concern (Cont.)

these countries is excessively strict. Also, governments tend to ignore ethnicity as a grounds for refugee protection.

RESSETLEMENT CRITERIA FOR JAPAN

There was a question about the criteria for the

Evaluation of 2008-2009 Action Plan

- In general, information sharing can be improved. Information sharing on refugee law reform has been active for the last year.
- Revision of immigration law in Korea was introduced to Japanese MPs and civil society organizations through a workshop in February and there was a symposium in Tokyo in June where Hong Kong, Korea and Japan participated.
- Not much information about China, Taiwan, Macao and Mongolia. Hong Kong Refugee Advice Centre is working on gathering information about China and Macau.
- Possibility of cooperation with migrant group networks to get the information on Taiwan and Mongolia.

2009-2010 Action Plan

- JAR and the Refuge Plan are planning a symposium and workshop networking East Asian refugee organizations. An International Detention Coalition workshop is planned for 2010 targeting East Asian NGOs. There was a suggestion to combine these two events to be held in Seoul. Specific Agendas to be confirmed.
- The Asian Refugee Legal Aid Network Project is a planning a training and workshop in Hong Kong. Details to be confirmed.
- Possibility of Joint awareness raising through Annual Symposiums (which accompany trainings), joint declarations, and media coordination.
- Networking lawyers
- Information Sharing on successful cases, COIs (Hong Kong Refugee Advice Centre will provide template) and court cases through mailing list and sharing newsletters

2009-2010 APRRN East Asia Representatives

Chair
Brian Barbour (HKRAC), Hong Kong
Deputy Chair
Hyung Soo Jin (JAR), Japan

The Facilitators for this session were:
Megumi Ban
Johime Lee
Ho Taeg Lee
Pill-Kyu Hwang
Kafeba Mundele – President of the New Zealand Refugee Rights Network, President of the Congolese Community and Chair of the Auckland Refugee Coalition addressed the structure of New Zealand’s refugee program which is composed of an annual quota of 750 places for refugees, family reunion and on shore asylum seekers. Each have different entitlements for settlement service provision.

He identified a number of resettlement challenges including difficulty accessing employment, language barriers, health and mental health services, housing, gaps in education, racism, survivor guilt and tension around children’s versus parents rights.

The New Zealand Refugee Network was established to give refugees and refugee organisations an independent and united advocacy front. The network aims to work in a cohesive way to foster dialogue.

A range of international advocacy opportunities were briefly overviewed. These included the UNHCR Annual NGO consultations, ExCom, The High Commissioners Dialogue, the Universal Periodic Review Process and Shadow reports. There are only a small number of asylum seekers detained in New Zealand and they are generally held in open detention.

Graham Thom of Amnesty International addressed some key issues relevant to Australia and the sub-region.

A change in the government two years ago has created a number of reforms and a very different space. Recognition rates are at record high at 40 to 50%, parallel with the Netherlands. This depends on asylum seekers being able to get to Australia, most of whom originate from refugee producing countries such as China, Sri Lanka and Afghanistan.

Other significant reforms include the end of Nauru and Temporary Protection Visas, the work rights of asylum seekers and the abolishment of detention debts. Complimentary protection legislation is to be introduced at end of the month.

A major issue surrounds the detention for those arriving by boat. Australia has 2 distinct protocols for processing asylum seekers based on the method by which they arrive. If an asylum seeker arrives by plane, he/she is processed on mainland, receives full RSD, legal review, access to courts and the appeal process for ministerial discretion.

States that have not ratified the 1951 Convention shown in red. Map from UNHCR website.
Major Advocacy Issues in the Region (Country Specific)

Resettlement is another major issue as Australia mainly targets Bhutanese from Nepal and Burmese from the Thai/Burma border for resettlement. UNHCR play key role in this and the Refugee Council and NGOs try to shape where people come from. Civil society has a chance to try to influence this.

Policy wise, the Australian government’s focus is to stop the boats from arriving resulting in an emphasis on border control and the government providing millions to IOM and UNHCR to do trainings in Indonesia, Malaysia, and Thailand with police and border guards. In addition, funds have been provided to UNHCR for the creation of better protection space to ensure that refugees will stay in their host country and not succumb to people smugglers.

Next year 2 million dollars will be directed to the region and especially to Malaysia.

Issues of General/Regional Concern

James Thompson of Act for Peace, and National Council of Churches in Australia (NCCA) discussed regional mechanisms and collaborative opportunities. He acknowledged the absence of Pacific voices in APRRN – eg. from West Papua, Solomon’s Island, Fiji, and Timor Leste and made a recommendation to identify and support participation from the Pacific. In addition, UNHCR is working to increase groups in the Pacific who have signed refugee conventions where currently assistance to refugees is being provided by church groups.

Collaborative opportunities outlined included UNHCR decision making and consultative processes such as Ex-Com, Standing Committee, and the High Commissioner’s Dialogue which is focused on urban refugees this year. Other opportunities include the implementation of an urban refugee policy, UNHCR’s 10 point plan on mixed migration and protracted refugee situations.

Country specific avenues for collaboration include Japan which is a recent accepting country and Korea, which like Japan have become large donors in the region. Core group on Nepal and Bhutan was also suggested to lend support to APRRN by advocating directly with participants’ governments. In Thailand, the problem facing donors are that they are not aware of who to talk to in the Thai government, thus a donor working group for Thailand was suggested to work with Thai NGOs, the USA, EU, Canada, and Australia to share information and lobby governments.

Structural initiatives proposed to ensure an international protection system included a special rapporteur on refugees and refoulement which will increase monitoring and put pressure on states.

Since Article 35 of the 1951 Convention cannot be implemented without state support, groups can work together to advocate for this. In terms of regional frameworks of migration, Thailand and Malaysia are negotiating terms, and for the ASEAN HR commission, local groups in the region such as Forum Asia and other NGOs have experience in jointly lobbying governments, thus this expertise can be shared.
**AUSTRALIA AND THE PACIFIC**

**RESETTLEMENT IN AUSTRALIA**

The government tries to resettle refugees where they have connections; however, it is a policy to keep people out of Melbourne and Sydney in order to avoid the creation of ghettos. Mainly, the government is pushing people into regional areas and smaller cities where services are available. In addition, certain groups of refugees are placed in certain areas, such as Palestinians in Perth and Rohingyas in Brisbane. Once people are resettled, they are free to move but it is difficult to get the same services such as housing and household goods if they relocate.

If an individual is recognised on Christmas Island as in the case of boat arrivals, he/she is treated like an offshore refugee. This does initially limit where they are resettled. If they are in need of special services or have family, then RCOA and others can try to support them. There have been some disasters in isolated rural areas.

One participant stated that there is a need to think about how we can get people in Australia to care more about regional issues. How can we build a body of support for the government to invest money into the region?

**RESETTLEMENT IN NEW ZEALAND**

Generally New Zealand resettles 750 refugees per year. This number has been in effect for many years despite pressure from UNHCR to increase it. Demographically, most people originate from Asia and currently, there are more Burmese. In addition, there are some Bhutanese as well as the usual 100 from Africa and the Middle East. The number of individuals transiting through Indonesia is difficult to estimate. Monitoring is highly political in NZ and APRRN will be instrumental in establishing that link to get the government involved in working in this area.

**ADDITIONAL COMMENTS**

Australia is one of the few countries that take people from Indonesia but it does not want to create a “pull factor”. With more people arriving this year than in the past 7 years combined, political opposition is asserting that the government is soft on border control and conservatives are being elected because of this issue. In addition, more money is going to Indonesia to build detention centres.

Another concern is people intercepted at airports. One thing to push for is that people should not be handed over to the police without INHCFR being called, so that there is an opportunity to make a protection claim.

**Suggested Regional Actions**

- To explore ways in which we can share information and engage in advocacy on issues of concern, which cut across the region.
- Lobby the Australian Government as part of its focus on “improving protection in the region” to provide resources and exert positive pressure on the key governments hosting refugees in the region to improve the legal and physical protection environment for refugees and asylum seekers.
- To profile the work and capacity of APRRN to the relevant section of the Australian Government including DIAC, DFAT and
**Suggested Regional Actions**

- **AUSAID.**
  - To identify advocacy opportunities to influence the Bali process on issues relating to improved refugee and asylum seeker protection, including working towards a regional framework.
  - To work more closely with APRRN members who work in the main refugee transit countries – in particular Indonesia, Malaysia and Thailand – to advocate for improved protection including access to resettlement as a durable solution and protection tool.
  - To work together across the region to advocate to the Australian government to include a strong regional focus in the composition of Australia’s annual resettlement quota.
  - To build better linkages between refugee community organisations in Australia and New Zealand with refugee community organisations across the region.
  - To advocate that Resettlement country governments address the negative impact on community capacity, which is one of the impacts of large-scale resettlement from the camps on the Thai-Burma border and Bhutan.
  - To advocate that all asylum seekers who are intercepted at airports in the region be given access to UNHCR and the opportunity to make a protection claim.

**2009-2010 APRRN Australia and the Pacific Representatives**

**Chair**
Tamara Domicelj (RCOA), Australia

**Deputy Chair**
Kafeba Pergoleze Alvis Mundele (JAR), New Zealand

**2009-2010 Action Plan**

- **Find ways to expand and consolidate membership across the sub-region.**
  - We will explore possible links in West Papua and Timor Leste for participation.
  - Use the New Zealand conference in November to promote the network.
  - Establish a google group.

- **Engaging Australia and New Zealand in this region in relation to resettlement.**

- **Including issues of family reunion, impact on camps of mass resettlement and access to resettlement for at risk and often forgotten populations across the region.**

- **Make sure that issues from the region feed into the ATCR, intake submission etc. Set up good communication channels to enable input from the wider region.**

- **Identifying systematic blockages.**

- **Making links between refugee community**
2009-2010 Action Plan

AUSTRALIA AND THE PACIFIC

- Increase engagement in the Bali Process to push for more resources for protection in the region.
- Build better links with refugee organisations in transit countries to understand the impact of Australian spending on detention, compliance, border protection etc.
- Set up good communication channels to enable input from the wider region.
- Centre for Refugee Research to host a regional/international conference in the lead up to the 60th anniversary of the 1951 Convention.

ADDITIONAL ISSUES

- Undertake social research to try to shift the discourse from anti-smuggling to a human rights discourse for advocacy within Australia to raise community awareness of regional issues.
- Longer term coordination with UNHCR around expansion of the resettlement in Australia.
- Australian NGOs to lend advocacy support to New Zealand NGOs.
THEMATIC WORKING GROUP DISCUSSIONS AND ACTION PLANS FOR 2009-2010
**LEGAL AID AND ADVOCACY**

**REVIEW OF 2008-2009 ACTION PLAN**

More need to be done to accomplish the four main goals of the Legal Aid and Advocacy Working Group: sharing of jurisprudence, compilation of training materials, sharing of COI expertise, and mapping of legal frameworks, services and resources. There was a consensus that the group adopt last year’s objectives and include additional specific activities. A suggestion was made that the Chair and Deputy Chair need to push these goals, encouraging more year round reminders and discussions so the plan does fade into the background but becomes an ongoing process.

**ADVOCACY FOR RATIFICATION OF THE 1951 CONVENTION**

Another point was made that advocacy concerning ratification of the convention can be accomplished by working with Geographical Working Groups. It was also suggested that the 60th Anniversary of the 1951 convention be used as a platform to promote this endeavour.

**SHARING OF INFORMATION**

As many groups are at different levels, emphasis was placed on helping new groups provide legal aid and to encourage the expansion and establishment of legal aid in different countries. Sharing of information was emphasized to assist smaller organizations and it was suggested that the list of participating organizations be circulated to facilitate networking. Other information that was of interest were UNHCR decisions and reasons for rejection for first instance as well as appeals. There was also interest in reasons for acceptance.

Hong Kong suggested the sharing of training materials and offered to share its many training resources. For Country of Origin Information (COI), it was suggested that Legal Aid collaborate with Geographical Working Groups. Another suggestion was for organizations to engage with other networks such as Southern Refugee Legal Aid Network which is available if an organization is in Thailand or works with Thai refugees. In addition, Hong Kong is putting forward a COI guide and has a template available.

**TRAINING PROGRAMS**

It was stated that to the Asian Refugee Legal Aid Network Project can assist organisations who provide legal aid. This project provides funding to work with NGOs in 7 different countries in the region. In addition, there is discussion on ways to expand funding to include other countries.

**MAPPING OF LEGAL FRAMEWORKS, SERVICES AND RESOURCES**

Mapping is vital to increase knowledge and enable the group to speak with a unified voice. One of the methods is through Mike Kagan (RSD Watch, a project of Asylum Access), who has done a lot work with UNHCR to improve the RSD process. He also writes letters and often puts a

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**Discussion**

- Elect Chair and Deputy Chair for next year.
- Develop Action Plan.
Discussion (Cont.)
call out for sign-ons for the letter or comments, thus it was suggested that organizations contact him to be included in the email list. In addition, the group could provide Mr. Kagan with information on current events in this region, which could support him in communicating and working with UNHCR, which will occur at Ex-com in June. There was a suggestion for the Chair and Co-chair to follow up.

RAISE THE STANDARDS OF SUBMISSION
There was a suggestion to raise standards of submission by consulting experts in the field who would be willing to read your cases and give you information and help.

2009-2010 Action Plan
◆ Developing strategies for ratification.
◆ Sharing of jurisprudence.
◆ Compilation of training materials.
◆ Sharing of COI expertise.
◆ Mapping of legal frameworks, services and resources.
◆ Mapping RSD and advocating to UNHCR on RSD. Finding out what is happening in the different offices so that we can compare and advocate on RSD processes collectively.

LEGAL AID AND ADVOCACY

URBAN REFUGEE POLICY
A call was made to review the new urban refugee policy (in terms of legal aid) in different countries. A list of names was circulated for information sharing and it was hoped that after inspecting the different policies, a paper can be composed outlining the deficiencies which will hopefully influence the Urban Refugee Policy.

2009-2010 APRRN Legal Aid and Advocacy Representatives
Chair
Barbara Harrell-Bond (Fahamu/SRLAN)
Deputy Chair
Christine Lin (HKRAC)

The Facilitators for this session were:
Martin Jones
Christine Lin

EDUCATION

THAILAND
The speakers for this session were all based in Thailand and consisted of representatives from various NGOs and an official from the Ministry of Education.

Historical Background
Simon Purnell of ZOA provided a historical
background as well as presented current educational and vocational training opportunities for refugees in Thailand. In the past, the Royal Thai Government (RTG) had been very restrictive on education service provisions for refugees; however, in the mid 1990s, the government began inviting NGOs to carry out education programs at the border. In addition, over the past 4-5 years, there have been some significant improvements in refugee education. However, education still remains a problem as there is a security based policy in place to protect Thailand. It was suggested that advocacy should take on a patient, considered approach; working with the Thai government to lead to improvements.

Thailand’s Ministry of Education’s Work
Khun Pramote Lertcheewakarn elaborated on Thailand’s Ministry of Education’s progressive work to promote migrant and refugee education. This was in part due to the desire of the RTG to organize NGO learning centers for migrants that had mushroomed nationwide. Registration of all the learning centers came about as a way to monitor and ensure the quality of education provided. The Ministry of Education (MoE) played lesser role in refugee camp education due to deterrence by the Ministry of Interior and the National Security Counsel which oversaw the camps. Despite that, it worked with ZOA to develop a new curriculum for camp education. Additionally, MoE sent Thai teachers to teach Thai, but it was observed that only a small amount of refugee students were interested in learning Thai as their objective was not integration in Thailand.

Youths in Mae Sot

Patrict Kearns of Youth Connect (YC) provided further insight into the youths in Mae Sot, where there was high dropout rate among migrant students. Due to narrow social connections and limited further opportunities, these youths typically end up working in low-skilled, badly paid and unsafe jobs. YC’s aim was to promote employability and employment.

To promote employability, YC works with migrant schools to provide life skills and job specific training to get the youths ready for the transition from school to work and allow them to be more competitive in the job market. YC also found employment options for them.

Inter-agency Network for Education
Fred Ligon presented the work of Inter-agency Network for Education in Emergencies (INEE) and its usefulness in refugee education. In 2002 in an INEE network meeting, there was a consensus on a need to have education standards. The outcome was The Handbook of Minimum Standards and Indicators, which was launched in 2006 worldwide. (www.ineesite.org) In Thailand, World Education (WE) uses the standards for not only refugee children but migrant
Country Specific Updates and Issues

children as well. WE additionally developed an internal reflection tool in order to review whether its performance is in compliance with the standard.

With soft-core push from NGOs, it is hoped that there will be further recognition in accreditation and creditation of refugee education.

SOUTH KOREA

In South Korea, NGOs’ refugee key schools and refugee community schools attempt to teach refugee-related subjects and provide other life skill trainings, i.e. refugee laws, emergency rescuing and martial arts such as Tae Kwan Do. The problem with refugee education was that the refugees’ residences were scattered and they attended schools irregularly. NGOs tried to make them to meet and study regularly.

EDUCATION

MALAYSIA

Similar issues arise in Malaysia as some of the refugee children live too far to go to schools. In spite of strong parental support for education, many are unable to afford the cost of education because of financial difficulties and security concerns over the safety of their children. Other education provision challenges include lack of sufficient volunteer teachers and communication with refugee children from various countries of origin.

Discussion

QUESTIONS

What can be learned from Thailand regarding provision of quality of education for refugees?

♦ Have networking among NGOs working on refugee issues (i.e. CCSDPT in Thailand)
♦ Close and dynamic cooperation with relevant government ministries in the government. (i.e. in Thailand, unpublicized meetings between NGOs, MoE, MoI, MoFA, NSC and Department of Labor were held every two month to shared information and made overt discussions, facilitated by Chulalongkorn University.)

What about the issue of Accreditation of refugee education in Thailand?

♦ If refugees accept the Thai curriculum, which was composed of 4 subjects, i.e. Thai, English, Mathemetic and Sciences, MoE would guarantee and certify the refugee education, and give the students certificates, issued by NGOs, i.e. ZOA, which can be used to apply to any institutions in Thailand and abroad.

ISSUES OF CONCERN

MoE’s having little and inefficient accessibility to implement their work in the refugee camps. Refugee children being restricted from leaving the camps to study outside, were attributed to MoI’s concern on national security. For migrant children, it was easier as they could study in Thai schools and, once they finished compulsory level, they will get certificate from the government schools.

URBAN REFUGEES

It was stated that UNHCR cut off financial support for education services for urban refugees in Thailand last year. Since a number of urban refugees did not know how to write and could not speak English, education provision for these individuals should be factored into the durable solution plan. Furthermore, as urban refugees typically stay in Thailand for only a few years, Thai
Developing strategies for ratification.

**ACTION PLAN**

- Participants agreed to be on an emailing list in order to share information.
- Participants will investigate and participate in as many existing networks (domestically and internationally) as possible to get as much information as possible as well as to share as much information as possible.
- Establish a link to refugees’ countries of origin, in order to use curriculum from their home countries.

### 2009-2010 Action Plan

- Elect Chair and Deputy Chair for next year.
- Develop Action Plan.

## Discussion (Cont.)

### EDUCATION

Another participant from Thailand, a volunteer mathematics teacher, clarified that much had been done regarding education provision for urban refugees in Thailand. 120 students are presently enrolled in the school he teaches, where five subjects including Math, English, Thai, and music, are taught. Three problems he faces relates largely to the lack of knowledge: scholarship opportunity for qualified refugee students; online course opportunities; a method to measure the students’ knowledge (whether they are qualified enough to access universities). He therefore wanted participants to be in touch with him to help him find information regarding these issues.

In response to the first two problems, a participant from Thailand shared with him information on the availability of scholarship at Asian Institute of Technology, and online courses provided by Catholic University of Australia. As for the issue of measuring the student’s performance, it was suggested that students may be able to take the US's GED exam which is administered to those who did not complete their studies in school but if passed, will enable them to attain a US high school diploma.

At the end of the session, participants decided not to form a new working group, as other resources were available such as INEE and country specific educational networks such as the education subcommittee under CCSDPT in Thailand. The three options discussed were: 1) set up an ad hoc committee; 2) sharing information; 3) joining existing networks. A consensus was reached to join other existing education networks, and be in contact for information.

### STRUCTURES FOR INFORMATION SHARING

A representative from an NGO in Thailand recommended that an ad hoc education group be set up to share information among members as noted that there already exists a network, namely Migrant Education Working Group that is not solely focused on migrant education, but also refugee education.

A participant based in Thailand recommended that a committee be formed in order to help promote education for urban refugees. He expressed concerns that the urban refugees were not knowledgeable in how to further their education and had no idea of what to do, who to talk to, or even who could help them, etc. Urban refugee education will also deteriorate as UNHCR plans to phase it out. He hoped that NGOs would play a role to investigate methods to provide education for these people.

Another participant from Thailand expressed his opinion that instead of creating a new network, an existing network should be utilized. In Thailand, there is a national educational network, namely an education sub-committee which is under the CCSDPT that urban refugees in Thailand can make use of. Internationally, the INEE group was suggested.

The Education Session participants decided not to form a working group on education as others already exist but to continue sharing information with each other.

**The Facilitator for this session was:**

Su-Ann Oh

**The Speakers for this session were**

Simon Purnell (ZOA)

Pramote Lertcheewakarn (MoE)

Patrick Kearns of Youth Connect (YC)

Fred Ligon (INEE)
Action Plan for 2009-2010

- Participants agreed to be on an emailing list in order to share information.
- Participants will investigate and participate in as many existing networks (domestically and internationally) as possible to get as much information as possible as well as to share as much information as possible.
- Establish a link to refugees’ countries of origin, in order to use curriculum from their home countries.

Key Outcomes

- 42 groups from 14 countries attended the Immigration Detention Scoping and Strategic Planning meetings at the APCRR2.
- 32 groups from 9 countries attended the training session: Working with refugees, asylum seekers, torture survivors and other vulnerable groups in places of detention. (See Appendix 2c for training notes)

Key Areas of Concern

- Impact of detention on vulnerable populations: Refugees, torture and trauma survivors, stateless persons, children, women at risk, elderly, disabled persons and individuals with physical and mental illness etc.
- Lack of detention standards, transparency, access to places of detention, release options and alternatives to detention in the region. (For further details including country specific updates, please see Appendix 2)

Main Priority

The need to educate detaining authorities on:

- Detention standards – International human rights law and standards on the detention of refugees, asylum seekers and migrants; international good practice and the need for alternatives; and improved conditions in the region.
- Vulnerable groups – Identification, standards, treatment and decisions to detain health/welfare/age/gender groups, including children, women at risk, elderly, torture and trauma survivors, disabled persons and individuals with physical and mental illness.
- Protection issues – Identification and protection of detained refugees and stateless persons and the need for greater access to UNHCR and registration, and access for lawyers and others.
**Key Action**

Develop key messages and explore training and dialogue with detaining authorities in the region, including Immigration Department, RELA, Police, Home Office etc.

**Key Objective**

Aim to achieve increased release from detention of vulnerable groups, including children and families, by better sharing of information, best practice, strategies and targeted advocacy, including government engagement.

**Key Tasks**

- Groups to continue to share information, best practice and resources through the Immigration Detention Working Group (IDWG) Google Group. (See Appendix 2)
- Call for interested groups to join an informal working group to develop a simplified message and strategy for governments in the region using our core position as a starting point. (see Appendix 2)

**2009-2010 Action Plan**

- Continue sharing of information through the IDWG google group.
- Invite people to join informal group.
- Explore messages (how we shape our 10 points etc, good practice, standards etc); gather existing training material and develop a strategy for government engagement.
- Explore funding and potential partners.
- Exploring meetings, training and possible delegations to governments in the region.
- Review at APCRR3.5

**2009-2010 APRRN Immigration Detention Representatives**

Chair
Grant Mitchell, IDC
Deputy Chair
Kim Jong Chul (Somyong)

The Facilitators for this session were:
Grant Mitchell
Sanjay Gathia
Lakshan Dias
Key Opportunities

- Use existing Immigration Detention Working Group Google group for information, news, resource, strategy sharing.
- Explore training and lobbying opportunities with:
  - East Asia – 2010 Regional Detention Workshop – South Korea (UNHCR)
  - UNHCR Regional Protection Meeting 2010
- ARLAN – HK workshop
- APT – Detention standards, monitoring and torture prevention
- APF – Asia Pacific Forum for work with NHRI

Summary of Presentations

**RIGHT TO HEALTH**

Agnes Dorris Louis of Family Planning Association Selangor & Federal Territory discussed Sexual Reproductive Health in Malaysia. In March 2009, this organization launched a project titled “Increasing Access to SRH and HIV Information Services for Refugees (JTF/IPPF)” which focuses on providing sexual reproductive health services to Burmese refugees. The Project is funded by International Planned Parenthood’s Japan Trust Fund and will run from March 2009 through April 2011. The Project is staffed by three Burmese health care workers who are nurses, eight Burmese outreach workers, and one Malaysian project coordinator and has three clinics and one mobile clinic. Several doctors volunteer at the various clinics two or three days a week.

While The Project has seen much success to date, refugees have encountered issues with regards to accessing the services at the clinics. For example, clients complain that they are afraid to come to the clinics for fear of being detained and they also complain that it is too far and costly to travel to and from the clinics. Also, outreach workers have been harassed on a number of occasions by police and RELA (volunteers who are untrained and commissioned by the Ministry of Home Affairs to seek out irregular migrants and refugees) and have had to pay to be released.

**SEXUAL REPRODUCTIVE HEALTH IN MALAYSIA**

**MENTAL HEALTH ISSUES IN MALAYSIA**

Vizla Kumaresan of Malaysia Health Equity Initiatives (HEI) discussed Mental Health Issues in Malaysia. This organization trained Community Health Workers (CHWs) for 1 year on how to detect signs and symptoms of mental or emotional disorders. The organization believes that early detection is important to facilitate early intervention and takes a rights-based approach to address mental health issues.

Mental health is multi-dimensional and interlinked and involves physical, mental and social aspects of an individual. Refugees experience enhanced vulnerability to adverse health outcomes. They experience a significant degree of psychological distress and physical and psychological dysfunction arising due to uprooting and adjustment difficulties and symptoms of somatisation,
**Right to Health**

**Discussion**

**Sexual Reproductive Health Services**

In Malaysia, the government does not encourage work with refugees however if a refugee is registered with the UNHCR, he/she can access medical services at government-funded hospitals, but the cost is still high. A point was raised that it is illegal to prescribe family planning to adolescents in some countries. In Malaysia, The project run by Family Planning Association has not had teens request services, but it does provide services to anyone who is sexually active.

**HIV**

HIV remains an important issue especially in places such as Bangladesh where 80% of HIV infected people are from the migrant population. The Ovibashi Karmi Unnayan Program (“OKUP”) is working to address the SRH and HIV issues in this population by providing education programs for women in their own communities; a peer-outreach approach by identifying migrant workers and then training them up to work within their own communities; and offers a pre-departure orientation that is primarily concerned with reproductive health and HIV.

In Malaysia, where refugees are considered undocumented, there are health clinics where VCT, STI testing, and counselling are part of the program. These services along with others such as cervical screening and pregnancy tests are provided free for registered refugees. In the case of...
Discussion

HIV, UNHCR will pay for the treatment of registered refugees; thus it is important that clinics refer HIV positive individuals to UNHCR for registration. If the refugee is not registered, he/she will not receive free services, however, HIV treatment is given for free at one public hospital in Malaysia. There are 50 known HIV positive refugees in Malaysia. One participant noted that the Burmese have a very good social network and are able to borrow money from within their communities and are able to obtain health care at hospitals.

Cases are referred to hospitals if they are cases the clinics cannot handle. The drawbacks are that if a refugee goes to a government hospital, they have to pay the types of rates that foreigners have to (which is almost twice what Malaysians pay) and there is also the issue of being detained by the government.

One participant expressed that it is important to have a women’s clinic staffed by women to address women’s health issues. In addition, it is necessary to have a strong medical data system to provide documented evidence of the health issues for use in the development of a strong advocacy program. One organization is already starting to use their medical data for advocacy.

A concern was raised regarding detention centers as the clinics do not extend their services to those facilities. It was stated that some faith based organizations do visit the centers.

MENTAL HEALTH ISSUES IN MALAYSIA

There are approximately 100,000 refugees in Malaysia. About 40,000 are registered as people of concern with UNHCR and about 80-90% of those individuals are from Burma. Community-based and very social, the Burmese can find comfort through socialization with one another. However, life in Malaysia can be stressful for them as most are from rural areas and not accustomed to the fast pace urban life of their new home, which can be very isolating. While there are many churches and temples, refugees are at risk of being detained since the police occasionally wait outside these institutions to arrest them. Alternatively, there is a hotline available for those in crisis, run by a Community Health Worker (trained in mental health issues for 1 year). If the Community Health Worker cannot solve the problem, the individual will be referred to Health Equity Initiatives (HEI).

Another sensitive issue is the treatment of children. It was stated that interpretive approaches such as art work, play, etc. were employed.

A participant from South Korea raised interpretation issues he faced due to interpreters not trained in medical terminology and a refugee population composed of many different ethnic groups who are unable to express themselves in other languages. A Malaysian organization has overcome these hurdles by hiring interpreters, having a staff member who has been trained as an interpreter, a Burmese office manager, and turning to UNHCR for interpreters, some of whom are familiar with medical terminology.

An inquiry was made whether there has been any collaborative work between HEI and legal aid providers to use medical evidence to assist asylum seekers in UNHCR cases. HEI stated that although medical evidence has not been used to support a refugee’s case, clinical data/evidence was provided to UNHCR to discuss the mental health issues that refugees face. Currently, the HEI representative has 20 active clients and a waiting list of 16 since she began working there in May 2009.
**RIGHT TO HEALTH**

**2009-2010 Action Plan**

- Raise awareness of the importance of the right to health (“RTH”) within APRRN.
- Improve communication to increase information/best practices.
- Write country reports on the right to health for refugees South Korea, Japan, Hong Kong, China, Malaysia, Thailand, Burma, Nepal, Bangladesh, Philippines, Indonesia, Vietnam and Cambodia.
- Compile a list of key policy recommendations related to RTH for refugees by APCRR3.

**2009-2010 APRRN Right to Health Representatives**

Chair
Anna de Guzman (IPPF)
Deputy Chair
Hemang Sharma (PPR Nepal)

**Major Issues of Concern the Region**

Participants identified issues of concern to members of APRRN in the Asia Pacific Region as well as opportunities at the international and regional level for advocacy.

**INTERNATIONAL ADVOCACY**

UNHCR released its Policy on Refugee Protection and Solutions in Urban Areas in September 2009. Some of the issues raised by APRRN participants were:

- The inadequacy of this policy and challenges in implementation; ensuring UNHCR follows through on its July 2009 commitment to produce a “Good Practice Guide”; continuing to call for a “Guide to Implementation” (repeatedly requested but UNHCR has not committed to producing one – although it did produce a draft in May 2006); ensuring equal access to durable solutions and effective protection and assistance; and sectoral partnerships.

**PROTECTION IN MIXED MIGRATION FLOWS AND THE UNHCR 10 POINT PLAN**

UNHCR will be holding a consultation with APRRN members from ASEAN countries, Bangladesh and Australia after APCRR2 to discuss effective advocacy for refugee protection in the context of mixed migration flows.

Some of the populations in need of refugee protection who are in danger of being dismissed as irregular migrants are: Rohingya in Malaysia and Thailand, Sri Lankan boat people, African...
Major Issues of Concern the Region

asylum seekers in Asia as well as Afghans and Iraqis transiting the region en route to Australia.

APRRN members have been following the Bali Process and continue to be concerned about the way these dialogues impact on refugee protection in the region.

PROTRACTED REFUGEE SITUATIONS

There are several protracted refugee situations in the Asia Pacific region. Some of the issues and needs faced by refugees include: the need for psycho-social support, problems of uncertainty over their future over a long-term, and poor livelihoods.

USING EXCOM CONCLUSIONS

Participants discussed the role of ExCom Conclusions, highlighting that APRRN should find opportunities to continually use the Conclusions, especially as implementing frameworks and guidance for the 1951 Convention. However, there are no follow-up mechanisms or implementation plans for the Conclusion if and when they are adopted. In the 1990s, there was a “Partnership in Action” model that we might want to revisit to look at how UNHCR and NGOs can cooperate together. Should we think of a revival of this initiative?

Some ExCom Conclusions that are being discussed which we should look at:
✓ Protracted refugee situations
✓ Self-reliance
✓ Rescue at sea

Advocacy Opportunities

Participants identified the following advocacy opportunities in the coming year:

✓ UNHCR Annual Consultations with NGOs (possibly June 2010), ExCom (October 2010), Standing Committee meetings (March, June, September 2010):
  ✓ These are important for building connections with other civil society organisations and lobbying of UNHCR, Governments and other Geneva-based NGOs. APRRN might want to hold sessions and side meetings.
✓ UNHCR Annual Tripartite Consultations on Resettlement (June 2010)
  ✓ This is an important avenue for advocacy on resettlement related issues.
✓ High Commissioner’s Dialogue (December 2009):

INTERNATIONAL ADVOCACY

DETENTION

Detention is another core area of advocacy. UNHCR will be revising their 1999 Guidelines on Detention and have invited comments from civil society. The IDC is facilitating an initiative to provide comments. OHCHR may be developing guidelines on detention of migrants, as a follow-up to the Special Session in Detention held recently at the Human Rights Council Special Session on Migrants in Detention.

THE LINK BETWEEN MIGRANT RIGHTS AND REFUGEE RIGHTS

Participants discussed the link between migrant rights and refugee rights. There are some areas for common advocacy, such as detention, unpaid wages, work conditions, and the criminalization of those with irregular status. However, some areas do not overlap directly. Migrant rights advocates are less concerned with advocating on the institution of asylum, for example. It is important to explore areas of collaboration and to ensure that we don’t undermine each others work, standards, and campaigns.
Advocacy Opportunities (Cont.)

- This is an important avenue for discussing UNHCR’s urban refugee policy. The discussions in this forum will be used to develop the implementation guidelines for the urban refugees policy.

- UNHCR Consultation on Mixed Migration Flows (October 2009)
  - This is a good avenue for exploring advocacy opportunities, strategies and challenges related to refugee protection in the context of mixed migration.

- UNHCR revision of the 1999 Guidelines on Detention:
  - UNHCR is revising its 1999 Guidelines, and invites comments from civil society groups by November 2009.
  - UNHCR is also developing of Handbook on Alternatives to Detention.

  - There are discussions on the possibility of broadening the Convention
  - Centre for Refugee Research, UNSW is planning to hold an international Conference on the Refugee Convention (for 60th anniversary of the Convention) (end 2010)

- Global Forum on Migration and Development (November 2010):
  - A formal civil society forum will be held in conjunction with the GFMD. There is also a parallel forum organised by civil society groups where issues faced by migrants and refugees can be discussed in greater detail.

- Other related meetings and events to keep in view:
  - The Universal Periodic Review Process of the Human Rights Council (ongoing)
  - The new ILO Convention on Domestic Workers (2010-2011)
  - The ASEAN Human Rights Body
  - Beijing Plus-15 Asian Consultations (22-24 October 2009)
  - Beijing Plus-15, New York (March 2010)
  - CEDAW reporting mechanism (note that IWRAW Asia Pacific provides training on how to use these mechanisms)

2009-2010 Action Plan

- Coordinate joint statements on emerging refugee issues in the Asia Pacific Region
- Monitor the development of key advocacy opportunities and coordinate responses by APRRN members.

2009-2010 APRRN International Advocacy Representatives

Chair
James Thomson Act for Peace, (NCCA), Australia

Deputy Chair
Vladamir Hernandez (CFSI), Philippines

The Facilitators for this session were:

Alice Nah
James Thomsom
Issues in the Region (Country Specific)

MALAYSIA

In Malaysia, UNHCR wanted to take gender issues seriously but whenever gender is addressed, there are determinants for reconsideration. If special provisions are sought for example for pregnant women, they are subsequently removed as they are seen as incentives for women to become pregnant so that they can get registration. In cases of SGBV survivors such as women who are raped several times by multiple people who then become pregnant and are now registered and waiting, there are no steps on how to assist them just as resettlement in itself is not an answer. Shelters are available for trafficked women but they are over their capacity. A crucial question that arises is what is UNHCR’s role and responsibility in a situation like this?

The essential problem is that women and their livelihoods are interlinked and it’s the environment that a woman works in that puts her at risk with SGBV. Sadly, the attitude is that it’s treated as an occupational hazard.

THAILAND

There are many single women separated from families and many survivors of SGBV. The problem is that refugees are viewed as illegal migrants in Bangkok; thus there are limited services to assist them. This has become a chronic need. NGOs provide assistance to everyone and try to connect them to services that are available.

The conditions of women here are very dismal as women withdraw from school when parents ask them to work to support the family. They end up earning 80-100 baht per day. When they do manage to attend school they need funding for further education and health care as there are examples of women not going to the hospital and giving birth on their own because they could not miss work.

In regards to asylum seeking women, sometimes protection or services are accessible to them but only after having gone through RSD. During the waiting period which can last for 6 months or a year, asylum seekers are excluded as it only apply to refugees. Thus this waiting becomes a huge gap. There are many women who marry as a protection solution but sometimes marriage excludes them from resettlement. There may also be single women who have no family, and no connections with the community who can end up feeling incredibly isolated as they are left to manage on their own.

What endeavors are there to break this cycle of abuse (at times self abuse)? How do you deal with trauma with the role that they have to play in pushing their daughters into the same area? We have to be very careful about context here as we can’t take it out of context (e.g., what’s the impact of conflict of families? Poverty?). If you see the full context you will see that when you are exiled alone you need your family, your husband to handle poverty. There is usually no assistance so women don’t have courage to leave. It’s pure men’s power over women’s and then domestic violence is exacerbated in these refugee situations.
**WOMEN AND GIRLS AT RISK**

**JAPAN**

In Japan there are projects on family planning where pre- and post-tests for SGBV are performed. The increase in understanding does not negate the prevalence of the idea that the man is the leader of the family and thus if there is violence, the women remain silent. Therefore, we need to educate and sensitize both men and women. However, a major issue remains as some will use their culture as justification when they ‘beat their wife like you beat a drum’.

**BURMA BORDER**

At the Burma border women are at risk everywhere because they are perceived as secondary to men. In addition, men do not respect women and use their bodies as revenge. In these situations, it is difficult to break the cultural cycle of abuse. A holistic approach must be applied where every level needs to be dealt with. The attitude towards women must be changed. Gender is not liked in this society; people don’t like women’s rights. They do not understand that women want access to services. Even in the community women need the approval of community leaders. The problem is that older men cannot be taught, thus it’s a slow strategy that will impact piecemeal.

**SRI LANKA**

In camps in Sri Lanka, after women return to their families from training, they are subjected to an increase in violence, thus the entire family has to be sensitized. The power struggle is the same everywhere. It’s a long struggle for women to feel empowered. At times capacity building ends up traumatizing them more when they find that they can’t do what they are being trained to feel and be. So they feel lesser. Thus it’s important to train and sensitize them as families. Else for example in Namibia we can see the effect domestic violence has on sons. We need to deliberate as to what original approaches can be used to get into the mindset of men? Among the Chins there are compounded problems as there are 50 different languages. Sometimes women get pregnant and then their husbands run away, leaving the women to seek for food daily. Sometimes women die in camps, thus their basic needs need to be looked after urgently.

**Discussion**

**UNHCR**

Today, there is a huge number of urban refugees and this is going to be the trend for the future. There had been no policy for the past 9 years and it was only as of March 2008 that the first draft was produced. However, that document did not mention gender, women or girls even once. The response for the omission was that gender had been ‘mainstreamed’ and so it was implicit. In UN-speak, mainstreaming means that gender equality will be implicit in everything, that it implies both men and women’s issues – in summation it means that gender issues are in oblivion there. Students who performed an audit of the issues also concurred that gender was not mentioned there.

The version available now is a result of a total revision of the previous draft and does mention gender, however, it is disappointingly weak and positively insulting. It is significant to also note that the UN Refugee Policy is an important issue and if the network wants to make any significant input it should do so on this policy in the coming 6-8 months. The potential for advocacy and making real change lies in the fact that the guidelines to this policy...
Discussion

still need to be developed. A suggestion was made to seize this opportunity and do a line by line analysis to see how it can be tied to other documents.

**RESETTLEMENT**

There are 2 faces of resettlement in Australia as they say thank God they are finally somewhere safe. However, it’s still difficult as there are camps everywhere and violence is still an issue.

The challenges refugees face on resettlement are very different. While many in Australia do very well, many others face enormous hardships that particularly put women and children at risk.

Difficult situations include women who suffered multiple rapes in conflict by multiple people and over years may have three babies of rape. In addition, there are many in Australia who too are neither acknowledged nor recognized, thus families fall apart. Government protection service providers are very lacking and mainstream service providers lack the ability to understand what refugees go through during their asylum journey. In providing opportunities to refugee communities, the government is rushing to resettle them in regional and rural areas. This then leads to disconnectedness from communities. There is also the absence of interpreters, such as Chin interpreters in New South Wales. While many opportunities in rural areas exist, focus needs to be placed on what may be lacking.

**OTHER ISSUES**

There are also families who undergo the trauma of war, where men can’t do anything and women thus take on the entire responsibility of the family. These families function as single headed but are told that they don’t need anything as they have a man at home. These women then also face domestic violence at home.

There are also other issues e.g., single mothers with minor dependents whose husbands have resettled who remain with the child with no assistance from UNHCR.

There are also husbands who are detained in immigration camps for uncertain periods of time, sometimes with no intervention.

Early marriage is very common in Rohingyas to reduce the burden of the family and these girls get deprived of schooling.

There is an increase in the number of young girls who come from Burma to Malaysia with friends and stay in Kuala Lumpur in crowded flats leading to a very high risk of sexual harassment because of increased dependence on male friends.

Another issue is the lack of refugees at UNHCR meetings. Consultations with the refugee communities are needed. A call was made for UNHCR put its money where its mouth is.

In Bangkok there is a centre for girls who have no

**WOMEN AND GIRLS AT RISK**

Refugees

Photo Courtesy of Graham Thom, Amnesty International Australia.
**Women and Girls at Risk**

Family and single mothers who have very low education – thus they can only work in the bar and wash dishes. So we train them in handicrafts so they get some money at the end of the month and have the funding for their kids to go to school, day care for kids too, also programs for unplanned pregnancy.

It also needs to be asked as to what extent is the trafficking context used to exclude refugee women as many governments are willing to address trafficking issues. There are young girls who eat less with their mothers and thus 90 per cent of them end up being malnourished. Thus their maternal health also ends up getting affected.

**Suggestions**

There are a lot of aspects to gender based violence and thus there are many possibilities from which APRRN can move forward. If we get the UN Urban Refugee Policy, we can read it, then think of what’s happening in our workplace and provide comments on it. Masters students will be going through every line and paragraph and referencing it. Then after suggestions of gaps, we can send a draft from APRRN to High Commissioner’s Dialogue. That would be a very strong document for advocacy.

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**2009-2010 Action Plan**

- Identify groups throughout the region working on gender and pull them into the working group.
- Urban refugee policy has limited focus on women and girls. UNSW Centre for Refugee Research will focus on this. So UNSW draft analysis will be circulated across the region; those in working group will do consultations with refugees so that position presented at HC’s dialogue will include consultations with refugees across the region.
- Community based approaches to violence against women – have to include men and boys. Sharing models of community based approaches will be important.
- Will do focused situational analysis on factors that place women and girls at risk, possibly drawing on resources of research working group and UNSW interns. 1 day focused workshop on women and girls at risk. Focus on protection risks of LGBT people.
- Think about intersection or trafficking and refugee protection

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**2009-2010 APRRN Women and Girls at Risk Representatives**

Chair
Linda Bartolomei, Center for Refugee Research, Australia

Deputy Chair
Katrina Jorene, WAGAR Group

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The facilitator for this session was:
Linda Bartolomei
CLOSING PLENARY: MOVING FORWARD TOGETHER
The purpose of this session was for Geographical and Thematic Working Groups to introduce their Chairs and Deputy Chairs and to share key highlights from their Action Plans for the year. Participants were also invited to share final thoughts on the APCRR2 programme and ways of bringing the Network forward.

**GEOGRAPHIC GROUPS**

**SOUTHEAST ASIA**

Chair: Temme Lee  
Deputy Chair: Amy Alexander

**Regional Actions**

- The entry point for advocacy are inter-governmental processes and mechanisms such as the ASEAN Human Rights Body, ASEAN migrant workers framework, the ILO, the Bali Process
- Reviewing the application of the UNHCR 10 Point Plan of Action on Mixed Migration in the Southeast Asian region
- Pushing for ratification and strengthening domestic laws – method will be to lobby law makers, esp. in the ASEAN political forum.
- UNHCR: main concern is accountability, and also pushing governments for ratification. UNHCR needs to be more transparent in how they’ve been pushing governments for ratification. Can lobby UNHCR through its donors.
- Will also be important to identify common regional issues and do collective lobbying around them.

**National Action**

- Working with Parliamentarians.

**SOUTH ASIA**

Chair: Lakshan Dias

**Regional Actions**

- The entry point for advocacy are inter-governmental processes and mechanisms such as the ASEAN Human Rights Body, ASEAN migrant workers framework, the ILO, the Bali Process
- Reviewing the application of the UNHCR 10 Point Plan of Action on Mixed Migration in the Southeast Asian region
- Pushing for ratification and strengthening domestic laws – method will be to lobby law makers, esp. in the ASEAN political forum.
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- Will also be important to identify common regional issues and do collective lobbying around them.

**National Action**

- Working with Parliamentarians.

**EAST ASIA**

Chair: Brian Barbour  
Deputy Chair: Hyung Soo Jin

**Action Plan**

- Refuge Pnan and Japan Association for Refugees hosting a symposium in Seoul in June 2010; IDC planning a workshop – will attempt to link these issues.
- APRRN may also be hosting a conference in HK in Spring.
- All conferences should include training.
- HKRAC will share Country of origin information template and precedent case law; will look into situation in China, Taiwan and Macau.
- Looking to network lawyers throughout region.
- Japan and South Korea may have an MP exchange.
- Joint awareness raising, particularly around World Refugee Day.
- Suggestions for APRRN: finalise a website that will have separate bulletin boards for
Summary of 2009-2010 Action Plans

Each member organizations; forge links with migrant rights organizations.

AUSTRALIA AND THE PACIFIC

Chair: Tamara Domicelj
Deputy Chair: Kafeba Pergoleze Alvis Mundele

Action Plan

- Protection policies in Australia and New Zealand governments are intimately connected with refugee rights in the region; want to share information better
- Pacific is very underrepresented
- Will work on 4 areas:
  - Expand and consolidate member base: this will include using resettlement conference in NZ to engage new groups
- Resettlement: How are Australia and New Zealand engaged with resettlement in the region, esp in connection with family reunification and particularly at risk populations (forgotten refugee communities). Issues in the region should feed into Annual Tripartite Consultations on Resettlement. Make links between refugee community groups from Africa in Aust and NZ with refugees in Asia
- Bali Process: build better links with groups in region on detention; what is IOM doing in the region
- Use anniversary of 1951 Convention as advocacy opportunity.

LEGAL AID

Chair: Barbara Harrell-Bond
Deputy Chair: Christine Lin

Action Plan

- Continue with action plan from last year:
  - Share jurisprudence from your jurisdiction
  - Compile training materials for legal aid organisations in order to foster growth of legal aid
  - Share Country of Origin Information.
  - Mapping legal frameworks, services and resources
  - Map RSD procedures in each country and advocate to UNHCR on RSD.

DETENTION

Chair: Grant Mitchell
Deputy Chair: Jong Chul Kim

Action Plan

- Last year there was range of concerns around criminalisation, lack of services, registration of detained people – these priorities will continue.
- Will continue to share good practice and strategies through google group
- Strategic engagement of govt in region on detention standards and good practice
- Will form sub working group that will strategise around message
- Challenge group to look to other countries for examples of best practice – then maybe delegations from one country could visit the other

RIGHT TO HEALTH

Chair: Anna de Guzman
Deputy Chair: Hemang Sharma

Action Plan

- Improve communication, information sharing around best practices. Will use email, Wikipedia.
- Raise awareness of right to health within APRRN – want right to health session at APCRR3. Will draft white paper.
- Develop list of key policy recommendations on right to health of refugees.
Network needs to work harder to ensure that refugees have access to health care.

WOMEN AND GIRLS AT RISK

Chair: Linda Bartolomei
Deputy Chair: Katrina Fernandez

Action Plan

♦ Identify groups throughout the region working on gender and pull them into the working group.
♦ Urban refugee policy has limited focus on women and girls. UNSW Centre for Refugee Research will focus on this. So UNSW draft analysis will be circulated across the region; those in working group will do consultations with refugees so that position presented at HC’s dialogue will include consultations with refugees across the region.
♦ Community based approaches to violence against women – have to include men and boys. Sharing models of community based approaches will be important.
♦ Will do focused situational analysis on factors that place women and girls at risk, possibly drawing on resources of research working group and UNSW interns. 1 day focused workshop on women and girls at risk. Focus on protection risks of LGBT people.
♦ Think about intersection or trafficking and refugee protection

EDUCATION

Facilitator: Su Ann Oh

♦ Decided not to form an APRRN working group but agreed to continue sharing information and resources amongst APCRR2 participants on education

INTERNATIONAL ADVOCACY

Chair: James Thompson
Deputy Chair: Vladimir Hernandez

Action Plan

♦ Will focus on both international and regional level advocacy opportunities, drawing in expertise and coordination from around the region to draw attention to issues faced by refugees in the Asia Pacific Region
♦ Urban refugee policy: Group will flag advocacy opportunities; Coordinating how difference groups are working on urban refugee policy
♦ Identify advocacy training needs.
♦ Focus advocacy on three key issues: mixed migration flows, refugees in urban areas and protracted refugee situations
♦ Multi issue fora such as UNHCR annual consultations require coordination around them. Try to get community voices into advocacy at such fora.
♦ Communicating with the International Advocacy Working Group will be very important – send us information about what you are doing
♦ Various required documents will be important to share for coordination purposes: APRRN strategic plan; annual report; reports of steering committee meeting; APCRR2 conference report – would be useful to have separate reports of each working group.

STEERING COMMITTEE

Chair: Alice Nah
Deputy Chair: Kyu Hwang

Action Plan

♦ Recruit a coordinator.
♦ Raise funds for APCRR3 – member orgs should try to raise funds themselves to attend.
Final Comments and Recommendations

♦ Will be contacting everyone about membership and procedures for confirming membership.

Will distribute resources from the APCRR2
♦ Need to bring in organizations working on the Thai Burma border.

♦ What happens when issues arise that are not handled by existing working groups (e.g. a need to focus on livelihoods)? Members can propose setting up an ad hoc working group by submitting terms of reference for the proposed group to the Steering Committee, along with a list of members who have indicated an interest in the topic.

♦ Need to be more constructive in sessions with UNHCR

♦ As we are from diverse backgrounds, we must be careful not to use too much jargon without sufficient explanation during future APCRRs.

♦ APRRN members have come together with one voice in a very short time. Right after APCRR1, we came up with joint statements on the push backs of Rohingyas in the region.

♦ Various required documents will be important to share for coordination purposes: APRRN strategic plan; annual report; reports of steering committee meeting; APCRR2 conference report – would be useful to have separate reports of each working group.

♦ The Steering Committee are planning for APCRR3 to be held in one years time.

♦ Special thanks to Forum Asia for providing strong logistical support for this programme and to the Centre for Refugee Research in mobilizing resources. We especially thank Mar, Josie, Temme, Jean, Malakhia, and Rattanaporn for their hard work behind the scenes. We thank our donors for their invaluable support: UNHCR, Foundation Open Society Institute, AusAID, USIP (through its support of the ARLAN Project), the International Detention Coalition, and the Euro-Burma Office.

The Facilitator for this session was:
Alice Nah

APRRN provided the opportunity to meet other people in the area, and a sense of being part of a bigger movement - other people committed gave me enthusiasm to continue my work.

-APCRR2 participant
ACTION PLAN

- Participants agreed to be on an emailing list in order to share information.
- Participants will investigate and participate in as many existing networks (domestically and internationally) as possible to get as much information as possible as well as to share as much information as possible.
- Establish a link to refugees’ countries of origin, in order to use curriculum from their home countries.

APPENDIX 1:
IN THEIR OWN WORDS: AUSAID SPONSORED PARTICIPANTS
Appendix 1: In their own words: AUSAID Sponsored Participants

Dr. Gopal Krishna Siwakoti
President, INHURED International, Kathmandu, Nepal

A. My Role and Responsibility at the Third APCRR

I represented in the APCRR2 as a delegate from INHURED International, a leading human rights organization based in Nepal and working in the field of refugee rights regime. This has been my representation for the second time as I did also attend the first event held in Kuala Lumpur last year. In this occasion, I express my heartfelt thanks to AusAID for its generous support to enable me to attend such a significant event.

I did attend all the sessions of the conference and contributed particularly to the legal and political aspects of the refugee situation especially in South Asia region. I had sufficient opportunity to discuss in greater detail with instances regarding the non-ratification of the refugee convention by majority of the states and also the absence of comprehensive national legal frameworks in the region resulting in non-protection of vulnerable refugees. I have participated in the sessions to design specific strategies among civil society to ensure that the moving population will be taken care of with utmost priority, care and protection. Additionally, my major focus of the discourse was on the dynamics of the principle of non-discrimination in relation to the third country resettlement program and its consequences in the long-run. In the conference, I also had an opportunity to screen a film produced by INHURED International on Bhutanese refugee situation titled “Displacement by Design” followed by discussion among the interested organizations. The storyline, footages and the messages were well-received and appreciated by the audience.

B. Benefit from the Conference in My Specific Work in the Country

Through the exchange of information and the newly acquired expertise from like-minded institutions, organizations and individuals during the conference, I have gained enough confidence that to be able to better prepare for lobbying and developing effective advocacy tools and techniques in the field of refugee rights protection. Meanwhile, sharing of the best practices on research as well as civil diplomacy at the UNHCR’s annual ExCom would certainly contribute to galvanize my work in the field of refugees and the issues relating to forced migration. In a dialogue with UNHCR, I did express my concern that many refugees in the region (Nepal included) have trouble getting identity cards and are subject to arbitrary arrest and detention. Thus, striving for more liberal and human rights-friendly refugee status determination process in coordination with UNHCR would be one of the central themes of my work back home.

C. Expected Specific Topics/Information Sessions Uncovered

In my view, APCRRRC2 was well organized both in terms of agenda and resource persons. Due to the arrangements of interactive sessions particularly the “Dialogue Session” with UNHCR offered an excellent opportunity to understand the contemporary refugee rights regime in the region and also at the global arena. The group discussions and parallel sessions were extremely fruitful both in terms of information sharing and formulating appropriate strategies for effective intervention at the field level. The only shortcoming of the event was that the issue of “climate refugee” did not receive enough attention. Additionally, the other gap I felt that there was not enough participation of refugee representatives to share first hand information in terms of demystifying both bright and dark side of refugee protection scenario in the region.

D. Information Handling and Dissemination in
Appendix 1: In their own words: AUSAID Sponsored Participants

Home Country

As a refugee rights activist and a professional human rights trainer, I will make the best use of the knowledge and information gathered in the conference in the day to day operation at the field level. I, together with other human rights groups, will put extra effort to persuade the Constituent Assembly cum Parliament to enact a comprehensive national legislation on refugees. Since I have been elected as a co-chair in the APRRN Steering Committee from South Asia region, I have now additional responsibility on my shoulder to work in close collaboration with organizations beyond the border. I have raised the issue of having a SAARC level mechanism on refugee regime which I believe will be endorsed by our group in the days to come.

E. Incorporation of the Conference Outcomes in the Country Strategies

Nepal has a vacuum in terms of asylum law and institutions even though the country is hosting more than 1,35,000 refugees from different countries. The protection of refugees in Nepal is based on its traditional hospitality. In the absence of law and policy, refugees are facing with severe constraints in terms of enjoying their basic rights and privileges. My strategy has been and will be to continue to encourage the government of Nepal to change the status quo and to take a greater degree of ownership over refugee protection through legal regime. The other area of critical concern in Nepal is to enhance the campaign for an end to detention of urban refugees – a major problem being faced in the last decade – and try to improve refugees' access to basic services, such as health care and education. My organization is also fighting for ensuring refugees' access to legal aid with particular attention on the rights of, children, girls and women.

At the sub-regional level (South Asia), with large-scale irregular migration and increasing numbers of people seeking asylum, there is a potential danger of governments closing down the fragile protection space that does exist today. Thus, the sub-regional group has decided to work hand-in-hand in persuading the respective governments to enact appropriate legal framework in compliance with the international standards and practices.

Concluding Observations

The Future of Refugee Rights Regime: A Glimpse

The thriving of international human rights law since the drafting of the Refugee Convention, so that two overlapping yet distinct rights regimes now coexist, raises important questions concerning the relation between refugee rights and human rights, and the future role of a refugee-specific rights regime. A reasonable point of departure in the examination of the relation between international human rights and refugee rights, according to the “Refugee Rights: Report on a Comparative Survey”, is a review of the purpose and historical context of the 1951 Refugee Convention. Prior to the development of international human rights law in the post-World War II period, traditional international law was exclusively a "law of nation" rather than a "law of people." The individual was subsumed into the nation-state framework through the "bond of nationality." A wrong committed by a state against an alien was interpreted as a wrong against the alien's state of nationality. The alien herself, in most cases, had no individual rights that were enforceable against the host state. The position of the refugee was thus particularly precarious as, lacking a state of nationality to champion her case, she was utterly without protection. Due to their inability to obtain protection from their country of origin and their consequent involuntary separation from that state, refugees were identified as individuals in need of special protection. Surrogate protection was required from the international community.

It is a well-tested fact that in addressing the dilemma of the refugee through the establishment of
a particularized rights regime, the approach embodied in the Convention relating to the Status of Refugees can legitimately be considered progressive in international law. To place the Convention in context, it should be remembered that, at the time of its drafting, the only comprehensive standard for international human rights law was the Universal Declaration, a simple, unenforceable General Assembly resolution. Over the next twenty-five years, pending the entry into force of binding human rights covenants, the guarantees of the Refugee Convention were among the very few international norms upon which refugees could depend.

Experts have reached to a common understanding that the Refugee Convention’s lack of protection of some critical civil rights is curious in that the omissions render the Convention a somewhat incomplete document and put into question the intent of its drafters. It would appear that the participants at the drafting conference did not intend the Convention to be limited to situation specific rights required by the precarious nature of refugeehood, on the assumption that all other rights would be protected by general human rights law. Otherwise, the Refugee Convention would not address subjects already recognized as legitimate aspects of general human rights protection, such as rights to employment, social assistance, education, and freedom of movement. Yet neither did its drafters intend the Convention to be an exhaustive elaboration of refugee rights independent of general human rights law, as they surely would have included such critical human rights as the right to life, liberty, and security. To posit otherwise would imply that the Convention's drafters did not consider refugees’ most basic security interests as warranting protection.

Given the enigmatic relationship between the 1951 Refugee Convention and contemporary human rights law, what should be done to clarify and to consolidate the rights to which refugees are entitled? Should a refugee-specific regime be maintained, and if so, what form should it take, with what substantive focus? In appraising the utility of a refugee-specific rights regime in an era of widely applicable international human rights, one might consider three factors: first, whether the existence of a refugee-specific system enhances the enforceability of generally guaranteed rights; second, whether the refugee rights regime breaks new substantive ground as compared with general human rights law, resulting in a more comprehensive enumeration of rights; and third, whether the refugee-specific regime aids in the clarification or reinforcement of generally accepted rights so as more effectively to coincide with the real needs of refugees.

Indeed, the conclusion seems inescapable that reform of the refugee rights regime must occur within the context of a more general reassessment of strategy for international refugee protection. A catalogue of human rights framed to facilitate the permanent re-establishment of European refugees
within other Western societies cannot be expected to respond adequately to contemporary realities. The time is right to define clearly the place of refugee law within the range of international responses to contemporary forms of human rights abuse in a way that is both principled and politically sustainable. The human rights guarantees afforded refugees, therefore, ought not to exist in the abstract, but should rather support and sustain a more functional and enduring system than that codified by the current Refugee Convention.

Since conflict is the leading cause of forced migration and internal displacement, a universally acceptable conflict control mechanisms needs to be evolved. Indeed, the tensions and ongoing antagonism between the states and between ethnic as well as religious groups could lead to an unprecedented mass displacement. Alternatively, if countries continue to allocate most of their resources to deference for one reason or the other, not only would their development be adversely effected but peace would continue to remain an illusive commodity resulting in the never-ending flow of refugees.

Priyanca Mathur Velath  
Centre for the Study of Law and Governance,  
Jawaharlal Nehru University  
New Delhi, India

A. My Role and Responsibility at the Third APCRR

I participated in the Asia Pacific Refugee Rights Networks’ 2nd conference in Bangkok, 2009, thanks to Ausaid funding, as a Ph.D Candidate, researching on the rights of development-induced displaced persons in India, at the Centre for the Study of Law and Governance, Jawaharlal Nehru University, New Delhi

B. Benefit from the Conference in My Specific Work in the Country

Getting to know the activities and agendas of fellow academics and activities in the region and in other countries in South Asia particularly, always helps me in putting my own work and findings and analysing my own data within a wider context.

C. Expected Specific Topics/Information Sessions Uncovered

I would expect there to be more refugee voices to be heard than just the token few. It’s crucial that issues that we debate and deliberate on/about their lives be also voiced in first person by them directly. They can offer different perspectives to the issues that we gather ourselves from our field and enrich our discussions further.

Besides, tomorrow perhaps the number of people being uprooted from their homes and traditional way of lives by natural disasters and man-made-climate-change –induced causes will far outnumber conflict-induced refugees. As we were conferencing in a region that at that time was facing the brunt of nature, we should have examined how natural disaster refugees are taken care of too.

D. Information Handling and Dissemination in Home Country

- We, in the South Asian region and particularly the South Asian Geographical Group will be disseminating all the information we gathered at this conference to other refugee rights actors in our respective countries. The conference report shall be circulated and more particularly the South Asian Blog site will be updated with all events/activities.
- How the conference outcomes will be incorporated into your country's strategies to support its cultural heritage.
- India has traditionally been a generous host for refugees following the philosophy of ‘vasudaiva kutumbham’ (the world is my fam-
ily). Thus learning from the refugee policies of other nations and their practices and policies will particularly be helpful in framing India’s existing ad-hoc policy towards refugees into a tighter legal framework.

Omar Faruque Chowdhury and Shakirul Islam
Ovibashi Karmi Unnayan Program (OKUP)
Dhaka, Bangladesh

A. My Role and Responsibility at the Third APCRR

This is my first time participation in APRRN conference. In my opinion, the initiative of such a conference that ultimately gave birth a wide network of organizations working on refugee issue is excellent timing and demandable. The process of the conference specially the small group meeting on thematic areas as well as the regional group meetings were excellent approach to discus elaborative and to ensure participation of all. The interaction with the representative of UNHCR was good but I think it would be lively and more effective if the participants could ask open questions let alone reading out the already set questions. The pre- and post conference consultation was also helpful to know more about the issues.

It is to note that we from a migrant workers’ association in Bangladesh. The key objective was to find similarities and linkage between migration and refugee status. Although “Refugee” is defined very concretely, but still there are similarities when the questions come in relation to the status of undocumented migrants or the migrants who are unable to get refugee status! Above all, the conference brought us a good scope to make network with many people which is helpful to broaden our network.

B. Benefit from the Conference in My Specific Work in the Country

Very recently, I traveled to Athens, the capital of Greece, to attend the Civil Society Day of GFMD (Global Forum on Migration and Development). I found thousands of Bangladeshi workers all around in Athens. Most of them entered into Greece undocumented crossing borders in Iraq, Syria and Turkey. I came to know after discussion with a good number of Bangladeshies over there that they usually apply for refugee cards immediately they entered into the country. Majority have already had their refugee cards which allowed them to stay them for a certain period of time. Not only Bangladeshies but there are thousands of people from Afghanistan, Burma, Sri Lanka and different countries of Africa as well as East Europe.

In such a situation I am planning to find some link to extend supports to the poor migrants or the refugees in Greece. And, this is how the conference has broadened scope of our work in the area of refugee issues.

C. Expected Specific Topics/Information Sessions Uncovered

I believe the sessions were good enough for us.

D. Information Handling and Dissemination in Home Country

I already mentioned in respond to the second question that how we are trying to incorporate our learning from the conference into our work for the benefit of all migrants, refugees, asylum seekers and so on. But we really need support both technical and financial from the network to carry out our efforts truly and effectively.

First of all i would like to thank Aus Aid for funding me and giving me an opportunity to attend such a useful consultation. APRRC2 was an excellent learning experience as far as my work with
Appendix 1: In their own words: AUSAID Sponsored Participants

the refugees is concerned.

Working with the victims of torture.

Saood Tahir
Director, Refugee Rights Initiative Socio Legal Information Centre
New Delhi, India

Rajendra Ghimere
Forum for Protection of People’s Rights, Nepal (PPR Nepal)
Kathmandu, Nepal

A. My Role and Responsibility at the Third APCRR
I have participated in the conference as a member of South Asia Group of APRRN. I have shared the information regarding the refugee situation in India. The assistance provided by UNHCR, The attitude of the Indian Govt on the issue of Sri Lankan and Tibetans refugees. The policies of Indian Govt for the UNHCR recognized refugees in India.

B. Benefit from the Conference in My Specific Work in the Country
The conference was very beneficial as some very good presentation were made on the refugee situation in the Asia Pacific region. The Thematic sessions as Legal Aid and Advocacy and Immigration detention were very informative and has enhanced my knowledge to be used in my own country to protect the refugee rights.

C. Expected Specific Topics/Information Sessions Uncovered
The conference was very well organised and has covered the maximum issues related to refugee protection in the region.

D. Information Handling and Dissemination in Home Country
The information i gained i will share that with my team to make them aware about the refugee situation in the Asia Pacific region. Will organize a training session in my office on Working with the people in Immigration detention and...
APPENDIX 2: IMMIGRATION DETENTION ADDITIONAL INFORMATION
Developing strategies for ratification.

**ACTION PLAN**
- Participants agreed to be on an emailing list in order to share information.
- Participants will investigate and participate in as many existing networks (domestically and internationally) as possible to get as much information as possible.
- Establish a link to refugees' countries of origin, in order to use curriculum from their home countries.

### 2009-2010 Action Plan

**Appendix 2a: Immigration Detention: Additional Information**

**KOREA**

Jong Chul Kim presented the situation of refugee detention in South Korea where the government uses the term “protection” to refer to the policy of detention of immigrants despite the fact that civil society has asked that the term not be used in this way. Korea has 2,300 asylum seekers, (the total number since the Convention was ratified) and 120 recognized refugees. There are two detention centers (referred to as Protection Facilities) and 16 detention cells in immigration offices. 677 foreigners are currently being detained, of which 13 are asylum seekers. 10 detainees were killed as a result of an accidental fire.

Asylum seekers are detained in spite of Art. 31 stating that there will be no penalty imposed on asylum seekers who are illegally present in Korea. Detained asylum seekers fall under three categories: (1) those who apply for refugee status after being detained (majority); (2) those caught while working (asylum seekers have limited opportunities to work but this is a recent change); (3) Fraud.

Immigration officers may issue an emergent detention order or heads of Immigration offices may order a detention order. According to the immigration control act, foreigners may be detained for two purposes: (1) to investigate whether they may be subject to deportation (detention should be limited to only 20 days); and (2) detention to execute deportation orders (detention is indefinite). There are many reasons for deportation under the immigration act which include: (1) engagement of activities harmful to the interest of Korea; this is very broad and quite ambiguous; (2) overstay or activity beyond the limit of his status of sojourn; (3) punishment of imprisonment without labor or above.

Detention is purely administrative and there is no method to judicially intervene when a detention order is made. Furthermore, it may be indefinite. This qualifies as arbitrary to the ICCP and is a violation of clearness.

Since detention of migrants is administrative, prison regulations do not apply and treatment of detainees is often worse than for prisoners. In addition, officers have a lack of sensitivity with regards to religion, gender and culture. Issues of concern are limited ventilation, time for exercise, and access to the outdoors. As for medical services, detainees are provided only $1,000 USD for treatment.

Remedies for detention include making an administrative objection, pursuing revocation litigation and applying for temporal release; for the release, the immigration office has full discretion.

Currently, there is an Iranian asylum seeker who has been detained for almost 4 years after applying for refugee status after being detained. The case was eventually rejected by the Supreme Court and a submission is now being prepared on this case for presentation to the Commission on Human Rights.

**MALAYSIA**

The Burmese are no longer being taken up to the border to be dumped but as a result they are clogging up the detention centers.

- APCRR 2 Participant

2 of Malaysia's 22 Detention Centers house over 1,000 detainees.
Appendix 2a: Immigration Detention: Additional Information

Country Specific Updates and Issues (Cont.)

**SRI LANKA**

A participant discussed the situation in Sri Lanka where detention of refugees is not taken seriously because large numbers of nationals are also detained. In addition, when Sri Lankan immigration arrests a foreigner, they immediately deport them so few foreigners are actually detained. Sri Lanka also signed extradition agreements with other countries in the region, therefore anyone accused of a crime in another country is deported.

There are two main categories of immigration detainees, Indian fisherfolk detained by the Sri Lanka immigration and Sri Lankan fisherfolk detained in India. The Sri Lankan government is not very forceful in advocating for the release of fisherfolk detained in India. In both countries, international detainees are separated but treatment is the same as other prisoners. Sri Lanka has about 50-60 fisherfolk in detention as well as Rohingya housed in camps in detention centers without proper shelters; conditions are very poor. Only one church is part of the immigration detention center and although they are not in a position to do too much, they perform visits and provide food. It was also noted that sometimes, detainees needed legal representation.

Sri Lankans in detention in other countries is a major concern as 10 percent of Sri Lankans are living outside of the country as migrant workers, asylum seekers, and refugees and approximately 3,000 to 4,000 Sri Lankans are detained all over the world. Access to information about the identities of those in detention and their condition is very limited. Many are living in the Middle East but their situation is unknown. Furthermore, the embassies are not active in assisting detained Sri Lankans and state that they cannot intervene due to limited resources. There is now a call for information on people working on detention in the Middle East, Australia, and Asia.

**MALAYSIA**

Graham Thom of Amnesty International presented information on Malaysian Detainees. Malaysia is not a signatory to the Convention however, it is beginning to allow UNHCR to intervene to get people released; according to UNHCR, 1,000 per year. This came about as a result of increased riots and health issues that have arisen due to the conditions of the detention centers.

Amnesty International and several media outlets recently gained access to three immigration detention facilities and were able to document the situation with photographs. At the airport center, de-
Appendix 2a: Immigration Detention: Additional Information

**IMMIGRATION DETENTION**

Tainees are kept in one room for over 24 hours a day unless they can afford to make phone calls or if they are near death.

A comment was shared concerning “death in detention” as a slippery notion. If a detainee dies outside the gates of the detention facility or in a hospital, it is not considered a “death in detention.” As a result, the number of deaths is likely much higher. Also immigration officers are not sensitive to mental health conditions and detainees with conditions are considered just unruly.

Although RELA is still operating detention facilities, Amnesty International was told that it would no longer be rounding up foreigners and will be taken out of the detention facilities. This is in conflict with information obtained from the refugee community which stated that there are more raids and plans to increase the forces of RELA are in the works.

There are many courts situated inside the detention facilities, and Asylum seekers are treated the same as any foreigners who are subject to detention under 2 conditions: (1) If a migrant enters Malaysia legally but later becomes illegal, Malaysia imposes sentences of detention. (2) If a migrant illegally enters Malaysia, they are subject not only to detention but also caning.

There are 22 detention centers which detain tens of thousands of individuals each year; two of which are currently housing over 1,000 people. The increase in the number of detainees is a result of a change in policy for handling Burmese refugees due to international pressure. Previously, Burmese detainees were left with little options other than to be deported to the border where they were sold to traffickers who would bring them back to Kuala Lumpur. After this situation was covered by many NGOs and finally picked up by the US Senate, the Burmese are no longer being taken up to the border to be dumped but as a result they are clogging up the detention centers. A note was made that this was not a formal policy and deportation could commence again at any time. There is a definite need for increased training with immigration officials to stop the rounding up of refugees. There have also been calls for RELA to stop its raids of immigrant communities. As an overall principle it was suggested that we should not categorize people as legal or illegal to justify detention in some situations. People are registered or unregistered and this should not justify detention.
Appendix 2a: Immigration Detention: Additional Information

Country Specific Updates and Issues (Cont.)

**INDONESIA**

A participant discussed detention in Indonesia. Since Indonesia is not a party to the convention and there is no official status of asylum seekers, they are treated as foreigners. The number of asylum seekers/refugees detained in Indonesia has increased by 400 percent and there are increasing complaints of the facilities being overcrowded. Like Korea, detention of migrants in Indonesia is arbitrary. However, when UNHCR demands the release of particular asylum seekers, they are usually successful.

There are 30 known potential detention centers which host a mixed population of asylum seekers and immigration offenders. These centers are relatively small and have a capacity of housing 50-60 people. Conditions vary from a newly built facility in the northwest to ad-hoc places of detention such as temporary camps for the Rohingya boat people.

Asylum seekers or people in transit to areas such as Australia are also detained in Indonesia, thus Australia funds programs such as IOM which support the centers; the largest containing 400-500 people. Some Immigration officers or posts also have detention cells for individuals who have been intercepted and need to be held temporarily.

NGOs do not have much experience monitoring the situation and access is very limited. There is no access to detention facilities for legal aid providers, thus further investigation and reporting of the conditions is necessary.

**HONG KONG**

Annie Lin of Society for Community Organization presented some positive developments in Hong Kong regarding detention policies. Previ-ously both asylum seekers and refugees were detained, usually for a duration of a few months to a few years for illegal entry or overstay. Many reported that detention affected their mental health, and they experienced suicidal thoughts, insomnia, etc. Hong Kong used the courts to challenge the immigration detention practice and as a result, the practice was reviewed in 2006.

The litigation found that asylum seekers were arbitrarily detained, cases were not individually assessed, and as a signatory to CAT, Hong Kong cannot deport. This raised the question of why people were being detained. It was uncovered that Hong Kong does not have a clear policy on detention. This was highly criticized and as a result, a policy was developed following largely UNHCR guidelines. Now detention is only tolerated for reasons of security threats, deportation, or to identify people.

Following that court case, CAT claimants who had been detained are now claiming damages for the time spent in detention. These cases are ongoing. People were released on recognizance but were not provided any rights so their status remains unclear. UNHCR previously provided identity documents demonstrating that they were under the protection of UNHCR, but they revoked this document and issued in its stead an informal document that carries little weight. In summary, the Hong Kong advocates have found using the court system to challenge the detention policy is an effective method.

**THE ROHINGYA**

A participant examined statelessness in detention. In terms of the Rohingya, they are also detained...
Developing strategies for ratification.

**ACTION PLAN**

- Participants agreed to be on an emailing list in order to share information.
- Participants will investigate and participate in as many existing networks (domestically and internationally) as possible to get as much information as possible as well as to share as much information as possible.
- Establish a link to refugees’ countries of origin, in order to use curriculum from their home countries.

### 2009-2010 Action Plan

**IMMIGRATION DETENTION**

in Burma as immigrants in their own country; some have been sentenced to 5 years and most have to do hard labor. In Bangladesh, the general the prison situation is dire; today there are more than 90,000 prisoners, more than 1,000 are foreigners (more than 500 from Burma). There are no separate wards, and the UN can not access these people. There is a known case of a Rohingya who had been detained for more than 20 years. In Thailand, the Burmese are brought to IDC and later informally brought to the border and pushed across. People arriving in boats have also been pushed back or detained in Ranong. Overcrowding is a problem and some cannot sleep lying down. After two young men died in detention due to the poor conditions, the Rohingya were then brought to IDC.

**AUSTRALIA**

A participant from the University of New South Wales Change spoke about the government has led changes in the overall detention policy in Australia. Christmas Island is still being used to process intercepted undocumented people arriving to Australia. But in contrast to former times, people are having their claims assessed and the vast majority of people taken to Christmas Island are being brought to the mainland. The government must have a justification to detain people and legislation is being passed to ensure this provision.

**JAPAN**

There is little change in current detention practices and the already high number of detainees is increasing. Single women are detained however there is less detention of single mothers than previously. Detention occurs for refused asylum seekers, and will likely last 1 year. There is no assistance for repatriation of refused asylum seekers who face removal. In addition, if a case is rejected, they can apply again for asylum numerous times putting pressure on legal aid and welfare providers, as there is no public legal aid and no government welfare providers in the final stages.

**PAKISTAN/ NEPAL**

Increased use of immigration detention, and difficulty to gain access once people are detained, as compared to previously.

**Discussion**

**CHILDREN IN DETENTION**

Children in Detention was a major issue last year and the main message remains the same, children should not be detained.

**CONDITIONS IN DETENTION FACILITIES**

Participants agreed overall that improvement of conditions in detention facilities are necessary. In Malaysia, overcrowding, unsanitary conditions, and death in detention present major issues. Since the release of the US Senate report, Malaysia is feeling pressure to change which may present an opportunity for positive developments in Malaysia if the issue is pushed. For Sri Lanka, focus is on obtaining more information on Sri Lankans detained in other countries.

There was a suggestion to follow Australia’s lead and engage medical associations in the region and work in collaboration with medical
Appendix 2a: Immigration Detention: Additional Information

Discussion (Cont.)

Training for Immigration officials and police. Several participants expressed concerns that a lack of understanding by the police and immigration is creating protection problems for refugees. Often immigration do not know who refugees are or what it means to be a refugee. In addition, governments detain undocumented people and don’t look at age, health, history, protection, or circumstances, thus a risk assessment was also suggested. Furthermore, it was suggested that trainings be provided in conjunction with the UN to address this issue. Another suggestion was made to include refugees in the training to increase credibility of the trainings.

INFORMATION SHARING

There was a call for better communication on the web about organizations working on detention. It was stated that SLRAN has a good network of resources to link into.

ASIA LEGAL AID NETWORK

There was a suggestion to get support and work collaboratively with UNSW and ARLAN to explore training needs, litigation, legal aid support and workshops.

UNHCR

Detention is a priority, and an increased dialogue on solutions is needed.

NEEDED ADVOCACY STRATEGIES

In countries such as China, where it is impossible to talk about human rights, it was suggested that protection issues may be raised at anti-corruption groups.

IMMIGRATION DETENTION

A participant from South Korea stated that the situation is getting worse because there is an increase in efforts to catch foreigners without visas or legal status regardless of whether they are refugees or not. The biggest problem is that the Immigration Control Act is obviously violating the terms of ICCPR so a plan is needed to strategically change this law as well as the practice.

There was a suggestion to explore alternative models and think creatively in a smaller working group to focus on these issues of concern.

ACCESS TO DETENTION CENTERS

Participants expressed that access to detention facilities should be an important focus.

One participant stated that detainees who have applied for refugee status and have been denied are left with few options as no one is aware that they are in detention and there is no follow up information provided on detainees. In Malaysia, there is access to the detainees but not where they stay. Corruption is another issue that can be avoided if there is access to the detention centers as there are instances where refugees bribe guards to report their presence to the UN.

Change happens when NGOs work together to educate the community and authorities to understand detention standards and implement good practice.

-Grant Mitchell
Appendix 2a: Immigration Detention: Additional Information

**IMMIGRATION DETENTION**

To accomplish this, suggestions were made that APPRN work collaboratively with the UN, other APPRN members and representatives from anti-corruption or anti-trafficking agencies. One participant suggested getting immigration to flag detainees from certain countries and to notify UNHCR upon their arrival. In Malaysia, immigration separate people by countries and create a list of countries represented which is then submitted to UNHCR. At the moment, only people who ask to see UNHCR are flagged, so when a person does not speak the language or realize the benefits available to them, they miss their opportunity.

Asia Pacific Good Practice Examples

- Release into community groups, with or without registration – Sri Lanka (release to UNHCR) and Indonesia (Discretion to release women and children in Indonesia if a request to the authorities is made, including to community groups)
- Children not detained in first instance or released upon detention – Philippines, Hong Kong.
- Release into own recognizance – Hong Kong
- Role of NGOs and community groups in places of detention (Including welfare services, health, social support, specialist care for children and other vulnerable groups, education, recreation) – Thailand, Indonesia and Japan
- Training of detention authorities and police being explored – Hong Kong.
Appendix 2b: Immigration Detention: Mission Statement

APRRN Detention Work Group Mission Statement

The Working Group on Immigration Detention of the Asia Pacific Refugee Rights Network (APRRN) aims to work together for the rights, dignity and well being of refugees, asylum seekers and migrants in detention.

Core position: The Working Group on Immigration Detention has a core position regarding the detention of refugees, asylum seekers and migrants.

1. The detention of refugees, asylum seekers and migrants should be avoided.

2. Certain groups – such as refugees, pregnant or lactating women, children, survivors of torture and trauma, victims of trafficking, elderly persons, the disabled or those with special health needs– should not be placed in detention.

3. Children should not be detained, should not be separated from their caregivers and should be provided special provision for their general wellbeing.

4. Alternatives that ensure rights, dignity and wellbeing should be considered and pursued before detention, such as supervised release, regular reporting requirements or posting bail.

5. Governments should, in compliance with international and regional human rights standards, only detain in circumstances where alternatives have been assessed as not sufficient, only as a last resort and for the shortest possible time.

6. Any decision to detain must be subject to regular independent judicial review and the time period must be reasonable, ensuring no one is subject to arbitrary or indefinite detention.

7. Conditions of detention must comply with basic minimum human rights standards, and there must be regular independent monitoring of places of detention.

8. Governments that host refugees in closed refugee camps should move from policies of encampment towards policies that encourage alternatives other than detention and allow refugees to have freedom of movement and ensure their rights, dignity and wellbeing are upheld in the community.
Appendix 2c: Immigration Detention: Training Notes

Working with refugees, asylum seekers, torture survivors and other vulnerable groups in places of detention

Training Notes

<table>
<thead>
<tr>
<th>TRAUMA REACTION</th>
<th>SYMPTOMS</th>
<th>RECOVERY GOALS</th>
<th>WHAT TO DO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anxiety/ helplessness</td>
<td>Emotional</td>
<td>Restore safety</td>
<td>Difficulty to restore safety in a detention environment; importance of working with legal providers/UNHCR.</td>
</tr>
<tr>
<td>Grief/ depression</td>
<td>Physical</td>
<td>Restore attachment</td>
<td>Enhancing connections with outside world: Letters; messages/ visits/calls from loved ones.</td>
</tr>
<tr>
<td>Loss of trust/ future/ meaning/ identity/ hope</td>
<td>Psychological</td>
<td>Restore meaning</td>
<td>Restore trust; connection to others to help make sense of their experiences and shattered lives</td>
</tr>
<tr>
<td>Guilt/ shame</td>
<td>Impact: Individual and collective</td>
<td>Restore dignity</td>
<td>Acknowledge people's strengths; Not just victims; Show respect; Enhance decision-making.</td>
</tr>
</tbody>
</table>

SELF-CARE

<table>
<thead>
<tr>
<th>Impact</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Helplessness</td>
<td>Recognise resilience/ inspiration</td>
</tr>
<tr>
<td>Guilt</td>
<td>Debrief/ sharing</td>
</tr>
<tr>
<td>Exhausted &amp; depressed!</td>
<td>Professional/ private support structures</td>
</tr>
<tr>
<td>Impact on body/ mind</td>
<td>Explore motivations</td>
</tr>
<tr>
<td>Over/ under-involvement</td>
<td>Take care: relax; sleeping, exercise, “shaking your body”</td>
</tr>
<tr>
<td>“I’m the only one!”</td>
<td>“Have a life!”</td>
</tr>
</tbody>
</table>

Training Workshop Evaluation

32 groups from 9 countries in the region attended the training session, including: Bangladesh, Pakistan, Australia, Malaysia, Thailand, Japan, South Korea, India and Indonesia. 66% of participants (21) provided an evaluation of the training, which included:

90% of respondents said the training was excellent or very good.

100% of respondents said the information provided was helpful in their work and would like follow-up training.
Appendix 2c: Immigration Detention: Training Notes

<table>
<thead>
<tr>
<th>DETENTION ENVIRONMENT</th>
<th>86% respondents said information presented was 'easy to understand'; 14% said it was 'too simple'; no-one said it was hard to understand.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overcrowded</td>
<td>The group sharing was very important, and ‘felt for a moment like a support group, especially as I have never had psychosocial support or knowledge in my work and I identified with all these symptoms personally, and in reflection of the victims I have worked with.’</td>
</tr>
<tr>
<td>Uncertainty</td>
<td>‘It would be amazing to start a culture of self-care amongst NGO workers. We don’t take care of ourselves’.</td>
</tr>
<tr>
<td>Insecurity</td>
<td>More time for group discussion, interactive experience sharing, specific country examples and practical exercises/role play.</td>
</tr>
<tr>
<td>Separation</td>
<td>Need specific training modules on providing psychosocial services to people in detention and working with trauma survivors, including former detainees, how to react to victim’s behavior, working with entire communities and families affected, and self-care, including helping fellow workers and how to run debriefing in an organization and understanding further the symptoms of vicarious trauma.</td>
</tr>
<tr>
<td>No privacy</td>
<td>Need to build effective network of detention visitors in the region. It was excellent, and very important and needed. Thank you.</td>
</tr>
<tr>
<td>Restrictions/lack of freedom</td>
<td></td>
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<tr>
<td>Conditions</td>
<td></td>
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<tr>
<td>Treatment</td>
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<tr>
<td>Isolation</td>
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<tr>
<td>Worry</td>
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<td>Abuses</td>
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<tr>
<td>Neglect</td>
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<tr>
<td>Lack of respect</td>
<td></td>
</tr>
<tr>
<td>Cultural insensitivity</td>
<td></td>
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</tbody>
</table>
Contact APRRN

For more information on APRRN see our website: www.refugeerightsasiapacific.org

Advancing the rights of refugees in the Asia Pacific Region.