

Asia Pacific Refugee Rights Network

September 2011 Updates

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APRRN Statement on a new approach to regional cooperation on refugee protection

On 16 September, 2011, the APRRN Secretariat published a statement on a new approach to regional cooperation on refugee protection. In the statement, APRRN calls on each government in the Asia-Pacific region to develop, in collaboration with civil society, a national action plan detailing the progressive steps they will take towards improving refugee protection standards and enhancing engagement with other states on protection issues.

The statement highlighted Australia's essential role, as a party to the Refugee Convention and a nation with well-established systems for refugee status determination and a strong settlement support sector, in working towards the development of a sustainable regional protection framework in the Asia-Pacific region. The Australian High Court ruling provides such an opportunity. The High Court ruled on 31 August that Australia cannot send asylum seekers to Malaysia as part of a new refugee swap deal transferring 800 asylum seekers to Malaysia in return for Malaysia sending 4,000 registered refugees for resettlement. The High Court held that it is unlawful under Australia's existing domestic immigration legislation to transfer asylum seekers to another country unless there are legally enforceable safeguards guaranteeing fair status determination and effective protection for those transferred. APRRN urges the Australian Parliament to refrain from passing amendments to existing legislation, which will enable implementation of offshore processing arrangements.

The APRRN Secretariat coordinated and drafted a joint statement on the Australia – Malaysia refugee swap agreement in May 2011, which was endorsed by 49 members.

An ad-hoc working group was also formed to continue monitoring and working on this issue. APRRN believes the development of a constructive and sustainable regional protection framework is essential to resolving the complex protection challenges in the Asia-Pacific region. The members of APRRN stand ready to support governments across the region in achieving this crucial objective.

The full statement can be downloaded at: <http://refugeerightsasiapacific.org/2011/09/16/aprrn-statement-on-a-new-approach-to-regional-cooperation-on-refugee-protection/>

More on the Australia-Malaysia refugee swap deal:

25 July 2011 Australian Government's press release available here:

<http://www.pm.gov.au/press-office/australia-and-malaysia-sign-transfe...>

25 July 2011 Malaysian Government's press release available here:

<http://portal.ikdn.gov.my/2011/07/kenyataan-akhbar-mdn-pertukaran-dua...>

25 July 2011 Australian Human Rights Commission's press release available here:

http://www.hreoc.gov.au/about/media/news/2011/61_11.html

8 August 2011 An article on the High Court of Australia's decision to extend asylum swap injunction available here: <http://www.abc.net.au/news/2011-08-08/high-court-asylum-swap-decision..>

19 August 2011 Australia-Papua New Guinea transfer and assessment agreement available here:
http://www.minister.immi.gov.au/media/media-releases/_pdf/20110819-au...

19 August 2011 Australian Government's press release available here:
<http://www.minister.immi.gov.au/media/cb/2011/cb170699.htm>

31 August 2011 Australian High Court's decision to rule against the Australia-Malaysia refugee swap deal available here:
<http://www.hcourt.gov.au/assets/publications/judgment-summaries/2011/...>

2 September 2011 Australian Solicitor-General's advice on the implications of the High Court decision available here:
http://www.minister.immi.gov.au/media/media-releases/_pdf/SG21-implic...

12 September 2011 Australian government's announcement on amending the Migration Act available here:
<http://www.minister.immi.gov.au/media/cb/2011/cb171699.htm>

Refugee and Statelessness Studies Programme & Short Course

In August 2011, APRRN launched the Refugee and Statelessness Studies Programme in cooperation with Thai Committee for Refugees Foundation (TCR) and the Centre of Human Rights Studies and Social Development at Mahidol University, Thailand. It is part of the regular Masters program in Human Rights. The course was held from 2 August to 6 September spread over 6 sessions and covered topics such as international humanitarian law, international refugee law, refugee status determination, durable solutions, statelessness, humanitarian aid and advocacy. We had lecturers from UNHCR, the European Commission on Humanitarian Aid and Civil Protection Department and APRRN and 12 students coming from across the world, some of them from refugee backgrounds/who already have extensive experience working in the field. The course was well received by students. The students welcomed the practical approach to deal with refugees and statelessness and bringing in a diverse group of guest lecturers who are leading experts in the field.



The first session at the Refugee & Statelessness Studies Programme at Mahidol University

APRRN in cooperation with the Centre for Applied Human Rights at the University of York (UK) organized a 5 day postgraduate **short course on International Refugee Law and Advocacy** in Bangkok on 12-16 September.

There was a wide and exciting range of 24 participants from around the world: China, Hong Kong, Singapore, Malaysia, Indonesia, Thailand, Japan, Korea, Nepal, France, US, UK and Congo. Civil society organizations, most of whom were APRRN members including MSRI, LBH Jakarta, Dongcheon Foundation, P-NAN, Tenaganita, Inhured, Asylum Access, Jesuit Refugee Service, Thai Committee for Refugees, Asylum Access and International Rescue Committee, academics from Australian National University, Osaka University, University of Tokyo and University of Hawaii at Manoa and a civil servant dealing with refugee issues from the Embassy of Canada participated in the course. Martin Jones from the University of York, Thomas Vargas from the UNHCR Regional Protection Hub, Anoop Sukumaran from the APRRN Secretariat, Phil Robertson from Human Rights Watch Veerawit Tianchainan from Thai Committee for Refugees and Alice Nah delivered a series of stimulating and exciting lectures and engaged with students through fruitful discussions. The legal and policy framework of the international refugee protection regime, judicial engagement, domestic refugee laws and advocacy for law reform, national legislative caucuses, using national human rights institutions (NHRIs) and UN bodies in monitoring and protecting the rights of refugees among others were discussed. The course was concluded by group presentations on advocacy projects addressing refugee issues in countries in the Asia Pacific region.



24 participants joined the short course on international refugee law and advocacy which was held in Bangkok from September 12 - 16, 2011

Southeast Asia Working Group Consultation

The APRRN Southeast Asia Working Group held a Consultation on 17-18 September with 24 participants from across the sub-region. Participants included the Thai Committee for Refugees Foundation, Community and Family Services International, LBH Jakarta, JRS Thailand, Arakan Project, Human Security Alliance, SUARAM, Asylum Access, Human Rights Working Group, HEI, Voice for the Children, Chin Human Rights Organization, People's Empowerment Foundation, Tenaganita, MSRI, Lawyers for Liberty and Migrant Forum Asia.

The two-day consultation was fruitful in concretizing action plans agreed in APCRR 2010. Country-specific information updates on Thailand, Malaysia, Cambodia, Indonesia and the Philippines and thematic issues such as Australia-Malaysia refugee swap agreement, Regional Cooperation Framework within the Bali Process, advocacy

strategies for ASEAN and alternatives to detention among others were discussed. Capacity building training, monitoring the issue and coordinating with other regional networks on how to constructively engage with the Regional Cooperation Framework, framing the refugee issue as statelessness for ASEAN advocacy as an entry point and organizing capacity building projects on alternatives to detention and RSD were identified as essential needs of the Southeast Asia Working Group members. Holding a series of dialogues with refugees to identify protection gaps and needs and involve them in promotion of refugee rights was also discussed.

The Working Group will cooperate in coming up with position paper on statelessness to present to the Civil Society Regional Consultation on ASEAN Human Rights and recommendations and suggestions to be discussed in the Asia Pacific Regional Detention Workshop. Both meetings will be held in November this year. The Southeast Asia Working Group of APRRN will also continue to constructively engage with UNHCR, ASEAN and governments.



The Southeast Asia Working Group Consultation was held from September 17-18 in Bangkok and joined by 24 members



Martin Jones from the University of York facilitating the short course on refugee law

Asian Refugee Legal Aid Network meeting in Jakarta

The Asian Refugee Legal Aid Network (ARLAN) was launched in June 2010 to enhance the provision of legal aid with respect to refugee status determination and the protection of various human and refugee rights in East, South and Southeast Asia. ARLAN has been discussing establishing pro-bono networks, strategic litigation, RSD, engaging with UNHCR, using existing legal frameworks and establishment of databases of case precedents and legal preliminaries. APRRN has been closely engaging with the project with APRRN members actively participating in the previous meetings in Hong Kong and Kuala Lumpur. ARLAN meetings have been especially useful for APRRN members based in South Asia and Southeast Asia in terms of looking at how to work outside the formal legal structure, legal aid and skills training. The last meeting was held in Jakarta from 20-22 September, 2011. The detailed report, presentations and videos from the workshop will be distributed later.

6-P Registration Programme

The 6-P program in Malaysia started in July 2011. The registration program was originally intended for the undocumented workers. In August 2011, refugee community leaders were informed to register the next day. There were no clear instructions and civil society was not informed of the process and some refugee groups were left out. About 10,000 showed up to register.

However, refugee groups received a slip saying “Tujuan: Pulang Ke Negara Asal” (Purpose: Return to Home Country). It caused a lot of concerns among refugee population and civil society in Malaysia. To take the issue forward, APRRN Coordinator and the Chair of Southeast Asia Working Group have met with the UNHCR Regional Protection Hub for the Asia Pacific on 9 September, 2011. Concerns around the registration program as well as other key issues in the region were discussed in the meeting.

More on the 6-P Registration program:

24 August 2011 Press Statement by Tenaganita available here: <http://refugeerightsasiapacific.org/2011/08/25/increase-protection-of-refugees-not-irrelevant-poorly-planned-amnesty-program/>

Statement on forced return of 11 Uighurs from Malaysia to China

On 25 August, 2011, APRRN members Suara Rakyat Malaysia (SUARAM), Health Equity Initiatives (HEI), Tenaganita in cooperation with Civil Society Committee of LLG (Cultural Development Centre) released a press statement on the latest decision to deport 11 Chinese citizens of Uighur ethnicity by the Malaysian government. The statement argued that it is a blatant violation of non-refoulement and urged the Malaysian government to publicly account for why it had not given access for UNHCR to these 11 Uighurs. The full statement can be viewed at: <http://refugeerightsasiapacific.org/2011/08/25/forced-return-of-11-uighurs/>

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Alternatives to Detention Task Force in Thailand

APRRN continues to push for alternatives to detention in Thailand. APRRN's Immigration Detention Working Group, the International Detention Coalition (IDC) along with UNHCR were instrumental in organizing the "South East Asia Consultation on Detention of Asylum Seekers and Refugees" in November 2010. During the consultation, IDC has provided a very useful handbook on alternatives to detention and participants discussed case studies from different parts of Asia. As a result, the Detention Task Force was established in Thailand. The Task Force is coordinated by the UNHCR. Some of our Southeast Asia Working Group members, Asylum Access Thailand (AAT), the Bangkok Refugee Centre (BRC), Jesuit Refugee Services (JRS) and the Thai Committee for Refugees Foundation (TCR) and other international organizations such as IOM, OHCHR and UNICEF actively participate in the Task Force. The APRRN Secretariat observes the process and encourages national organizations to take the process forward.

Upcoming activities

South Asia Detention Workshop
Bangladesh, 18-19 October, 2011

East Asia Refugee Mental Health Training
Hong Kong, 9-11 November, 2011

East Asia Sub-Regional Refugee Symposium
Hong Kong, 12 November 2011

Asia Pacific Regional Immigration Detention Workshop
Malaysia, 24-26 November, 2011

More information

Asia Pacific Refugee Rights Network
12th Floor, Suite 12-03
246 Sukhumvit Road
Bangkok
Thailand

E-Mail: refugee.fa@gmail.com

Web: <http://www.aprrn.org>

Phone: +66 2653 2940 102

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<http://www.aprrn.org>

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