

# Fourth Asia Pacific Consultation on Refugee Rights APCRR 4

22- 24 August 2012

Seoul  
Korea

Asia Pacific Refugee Rights Network

## Table of Contents

About the APCRR4	3
<b>WORKSHOPS AND PLENARY SESSIONS</b>	
Welcome remarks	10
Plenary session 1: Localizing refugee rights – civil society action to address a global concern	10
Workshop 1: Understanding regional cooperation in the context of mixed migration flows	12
Workshop 2: Lobbying for refugee rights through domestic legislation	14
Workshop 3: Repatriation and durable solutions – opportunities and challenges	16
Workshop 4 – The Humanitarian Accountability Partnership (HAP) and Sphere Minimum Standards in Humanitarian Response	18
Workshop 5 – Community interpreter training	19
Workshop 6 - Statelessness	20
Plenary Session 2: Dialogue Session with Refugees	20
<b>GEOGRAPHIC SESSIONS</b>	
East Asia	22
South Asia	24
Australia and Pacific	25
Southeast Asia	26
<b>THEMATIC SESSIONS</b>	
Right to Health	27
Women and Girls at Risk	28
Legal aid and advocacy	29
Immigration Detention	30
Concluding Session	30

# About the Fourth Asia Pacific Consultation on Refugee Rights

The Asia Pacific Region is site of some of the world's most acute and protracted refugee situations. Only 26 of the 61 countries located in this region are party to the 1951 Convention Relating to the Status of Refugees (Refugee Convention) and/or its 1967 Protocol. Many asylum seekers and refugees remain unregistered and therefore invisible to the international community. They are frequently subject to gross violations of their fundamental rights through arbitrary detention, exposure to sex- and gender-based violence, the lack of access to basic healthcare, torture, the inability to access sustainable employment lawfully, and, most seriously, forcible return to countries in which they are likely to suffer persecution (*refoulement*).

National civil society organizations are filling these gaps by playing an important role in refugee protection, advocacy and provision of social welfare. Prior to the establishment of the Asia Pacific Refugee Rights Network, these groups worked in isolation in their own local contexts, with limited access to specialist training, technical resources, and key stakeholders related to refugee protection. In light of the challenges facing refugees in the Asia Pacific Region, civil society organizations and individuals from across the region agreed to establish the Asia Pacific Refugee Rights Network (APRRN) in November 2008.

Members of APRRN have expressed the need for face-to-face interaction in the form of a consultation, which would provide a platform for the exchange of experiences, skill sharing, sharpening advocacy strategies and influencing policy at local, national, regional and international levels. The Asia Pacific Consultation on Refugee Rights (APCRR) has been identified as this platform, and was held previously in 2008 (Kuala Lumpur), 2009 (Bangkok) and 2010 (Bangkok).

In 2012 the APCRR was held in Seoul, Korea from August 22-24 and hosted by APRRN, Human Asia, the Graduate School of International Studies of Korea University and Hwajeong Peace Foundation, *The Dong-A Ibo*. APCRR is a unique platform to share experiences and practices, as well as to identify key priority areas for stakeholders. It is also the first time that APCRR was held in East Asia, with the aim that this will have a profound effect on refugee rights and human rights in the region by setting an example for responsibility sharing and innovative approaches to refugee protection.

## KEY OBJECTIVES OF THE CONSULTATION

- To provide a platform to share and showcase experi-

- ences, best practices, and strategies
- To identify key priority areas for stakeholders, in order to expand protection spaces, and combat susceptibility to trafficking and people smuggling
- To build the capacity of participants on issues such as immigration detention, legal aid, mental health, advocacy, etc.
- To develop a stronger network, better cooperation/collaboration amongst members and identify new potential members
- To review and develop concrete joint actions plans, campaigns and strategies for the period of 2012-2014
- To select a new Steering Committee for the period of 2012-2014

## Acknowledgments

Several key organizations and individuals were involved in preparing the consultation. In particular we thank the ARRPN Secretariat staff: Anoop Sukumaran (Coordinator) and Julia Mayerhofer (Programme Officer) for their hard work in the months leading to APCRR.

We also thank the hosting organizations of APCRR4, which include:

Human Asia  
The Graduate School of International Studies of Korea University  
Hwajeong Peace Foundation, *The Dong-A Ibo*

Thanks also go to our Korean member organizations for their logistical support:

Dongcheon Foundation  
The Refuge PNan  
GONGGAM  
APIL  
NANCEN

APRRN also thanks all donors for their contributions:

UNHCR  
Aus Aid  
Open Society Institute, Southeast Asia Initiative  
Oak Foundation  
Sasakawa Peace Foundation

Additionally, we were fortunate to have a great team of volunteers and rapporteurs helping us with logistics and documenting all sessions. Without their hard work APCRR would have not been so successful.

Thanks are due to the following individuals:

Emma Dae Kim

Sarang Lee  
Semi Kim  
Dasol Lyu  
Sunny Chang  
Hyeyeon Kim  
Jooyoung LEE  
Junghbin Hyun  
Seokbum Yoon  
Ji Woon Kim  
HeeHwa Jung  
EunBee Lee  
Hae Seo Kim  
Derina Johnson  
Terence Shum  
Imran Khan Laghari  
Cheery Zahau  
Vivienne Chew

Finally, we extend our gratitude to retiring Steering Committee members, who have provided strong leadership and direction in the development of APRRN:  
Chair: Pill Kyu Hwang  
Deputy Chair: Dr. Gopal Krishna Siwakoti  
Host Organisation Representative: Yap Swee Seng, Forum Asia, Thailand  
Nominated Representative: Marip Seng Bu

South Asia Working Group:  
Chair: Florina Benoit  
Deputy Chair: Khalid Shezad Mir

South East Asia Working Group  
Chair: Veerawit Tianchainan  
Deputy Chair: Vladimir Hernandez

East Asia  
Chair: Brian Barbour  
Deputy Chair: Won-Geun Choi

Australia, New Zealand and the Pacific  
Chair: Kafeba Mundele  
Deputy Chair: Tamara Domicelj

Immigration Detention Working Group  
Chair: Jong Chul Kim

Legal Aid Working Group  
Chair: Medaphan Sundaradeja

Women and Girls at Risk working Group  
Chair: Eferpy Mitchell

Right to Health working Group  
Chair: Ashok Xavier

Experts: Non Voting Members

Alice Nah  
James Thomson  
Grant Mitchell



Participants registering for the APCRR4

<b>08.30 – 09.30</b> <b>Room 331</b>	<b>Registration</b>
<b>09.30 – 10.00</b> <b>Room 322</b>	Welcome Remarks Moderator: Dr. Gopal Krishna Siwakoti (APRRN Deputy Chair/INHURED International) Speakers: <ul style="list-style-type: none"> <li><input type="checkbox"/> Pill Kyu Hwang (APRRN Chair/GONGGAM)</li> <li><input type="checkbox"/> Anoop Sukumaran (APRRN Coordinator)</li> <li><input type="checkbox"/> Ho Taeg Lee (The Refuge Pnan)</li> </ul>
<b>10.00 – 11.15</b> <b>Room 322</b>	<b>Plenary Session 1: Localizing refugee rights: civil society action to address a global concern</b> Moderator: Alice Nah (HAKAM Malaysia) Speakers: <ul style="list-style-type: none"> <li><input type="checkbox"/> Hiroaki Ishii (Japan Association for Refugees)</li> <li><input type="checkbox"/> Priyanca Marthur Velath (Institute for Human Development)</li> <li><input type="checkbox"/> Katrina Maliamauv (Tenaganita)</li> <li><input type="checkbox"/> Paul Power (Refugee Council of Australia)</li> </ul>
<b>11.15 – 11.30</b>	<b>Coffee break</b>
<b>11.30 – 13.00</b> <b>Room 215</b>	<b>Workshop 1: Understanding regional cooperation in the context of mixed migration flows</b> Moderator: Tamara Domicelj (Chair of the Australia & Pacific WG/Act for Peace Australia) Speakers: <ul style="list-style-type: none"> <li><input type="checkbox"/> James Thomson (Act for Peace Australia)</li> <li><input type="checkbox"/> Anoop Sukumaran (APRRN Coordinator)</li> <li><input type="checkbox"/> Alice Nah (HAKAM Malaysia)</li> </ul>
<b>Room 322</b>	<b>Workshop 2: Lobbying for refugee rights through domestic legislation</b> Moderator: Vladimir Hernandez (Southeast Asia WG Deputy Chair/Community and Family Services International) Speakers: <ul style="list-style-type: none"> <li><input type="checkbox"/> Dr. Gopal Krishna Siwakoti (APRRN Deputy Chair/INHURED International)</li> <li><input type="checkbox"/> Veerawit Tianchainan (Southeast Asia WG Chair/Thai Committee for Refugees Foundation)</li> <li><input type="checkbox"/> E-Ling Chiu (Taiwan Association for Human Rights)</li> <li><input type="checkbox"/> Jongchul Kim (Immigration Detention WG Chair/APIIL)</li> </ul>
<b>13.00 – 14.00</b>	<b>Lunch</b>
<b>14.00 – 15.30</b> <b>Room 322</b>	<b>Workshop 3: Repatriation and durable solutions – opportunities and challenges</b> Moderator: Julia Mayerhofer (APRRN Programme Officer) Speakers: <ul style="list-style-type: none"> <li><input type="checkbox"/> Imran Khan Laghari</li> <li><input type="checkbox"/> Salai Za Uk Ling (Chin Human Rights Organization)</li> <li><input type="checkbox"/> Lakshan Dias (SANRIM)</li> </ul>
<b>Room 215</b>	<b>Workshop 4: The Humanitarian Accountability Partnership (HAP) and Sphere Minimum Standards in Humanitarian Response</b> Facilitator: <ul style="list-style-type: none"> <li><input type="checkbox"/> Brian Barbour (East Asia WG Chair/Japan Association for Refugees)</li> </ul>
<b>15.30 – 16.00</b>	<b>Coffee break</b>
<b>16.00 – 17.30</b> <b>Room 215</b>	<b>Workshop 5: Community interpreter training</b> Moderator: Emma Daae Kim (Dongcheon Foundation) Speakers: <ul style="list-style-type: none"> <li><input type="checkbox"/> Jieun Lee (Ewha Womans University)</li> <li><input type="checkbox"/> Mizuno Makiko (Kinjo Gakuin University)</li> <li><input type="checkbox"/> Jeanie Kim (Dongcheon Foundation)</li> <li><input type="checkbox"/> Choto Chakma (Jumma Peoples' Network-Korea)</li> </ul>

<b>Room 322</b>	<b>Workshop 6: Statelessness</b> Moderator: Grant Mitchell (Immigration Detention WG Deputy Chair /International Detention Coalition) Speakers: <ul style="list-style-type: none"> <li><input type="checkbox"/> Chris Lewa, Arakan Project</li> <li><input type="checkbox"/> Vivienne Chew, Malaysian Child Resource Institute</li> <li><input type="checkbox"/> Raveendra Hemadri, Development and Justice Initiative</li> </ul>
<b>17.30 – 18.00</b> <b>Room 322</b>	<b>Briefing on APRRN AGM</b>
<b>18.30</b>	<b>Dinner</b>

Thursday, 23 August 2012 (Day 2, APCRR4)

<b>08.00 – 09.00</b> <b>Room 215</b>	<b>Discussion on research project (for invited participants only)</b>
<b>09.00 – 10.30</b> <b>Room 322</b>	<b>Plenary Session 2: Dialogue Session with Refugees</b> Moderator: Kafeba Mundele (Australia & Pacific WG Deputy Chair/New Zealand National Refugee Network) Speakers: <ul style="list-style-type: none"> <li><input type="checkbox"/> Yiombi Thona, NANCEN</li> <li><input type="checkbox"/> Peter Bran Seng, Refugee Coordination Committee Japan</li> <li><input type="checkbox"/> Cheery Zahau</li> </ul>
<b>10.30 – 10.45</b>	<b>Coffee break</b>
<b>10.45 – 12.15</b> <b>Room 215</b>	Geographical Sessions 1 <b>Key Issues and Opportunities for Advocacy in South Asia</b> Facilitator: <ul style="list-style-type: none"> <li><input type="checkbox"/> Florina Benoit (Chair)</li> </ul>
<b>Room 322</b>	<b>Key Issues and Opportunities for Advocacy in Southeast Asia</b> Facilitator: <ul style="list-style-type: none"> <li><input type="checkbox"/> Veerawit Tianchainan (Chair)</li> <li><input type="checkbox"/> Vladimir Hernandez (Deputy Chair)</li> </ul>
<b>12.15 – 13.15</b>	<b>Lunch</b>
<b>13.15 – 14.45</b> <b>Room 322</b>	Geographical Session 2 <b>Key Issues and Opportunities for Advocacy in East Asia</b> Facilitator: <ul style="list-style-type: none"> <li><input type="checkbox"/> Brian Barbour (Chair)</li> </ul>
<b>Room 215</b>	<b>Key Issues and Opportunities for Advocacy in Australia and the Pacific</b> Facilitator: <ul style="list-style-type: none"> <li><input type="checkbox"/> Tamara Domicelj (Chair)</li> <li><input type="checkbox"/> Kafeba Mundele (Deputy Chair)</li> </ul>
<b>14.45 – 16.15</b> <b>Room 322</b>	<b>Thematic Session 1</b> <b>Legal Aid and Advocacy</b> Facilitator: <ul style="list-style-type: none"> <li><input type="checkbox"/> Medhapan Sundaradeja (Chair)</li> </ul>
<b>Room 215</b>	<b>Right to Health</b> Facilitator: <ul style="list-style-type: none"> <li><input type="checkbox"/> Ashok Gladston Xavier (Chair)</li> </ul>
<b>16.15 – 16.30</b>	<b>Coffee break</b>
<b>16.30 – 18.00</b> <b>Room 322</b>	<b>Thematic Session 2</b> <b>Immigration Detention</b> Facilitator: <ul style="list-style-type: none"> <li><input type="checkbox"/> Jong Chul Kim (Chair)</li> <li><input type="checkbox"/> Grant Mitchell (Deputy Chair)</li> </ul>
<b>Room 215</b>	<b>Women and Girls at Risk</b> Facilitator: <ul style="list-style-type: none"> <li><input type="checkbox"/> Efterpy Mitchell (Chair)</li> </ul>

<b>18.00 – 18.15</b> <b>Room 322</b>	<b>Closing remarks</b>
<b>18.30 – 19.00</b> <b>Room 215</b>	<b>Immigration detention meeting for East Asia (only for participants from East Asia)</b>

**Friday, 24 August 2012 (Day 3, APCRR4)**

<b>09.30 – 11.15</b> <b>Room 322</b>	<b>APRRN AGM</b> Discussion of motions Election of Steering Committee members
<b>11.15 – 11.30</b>	<b>Coffee break</b>
<b>11.30 – 13.00</b> <b>Room 322</b>	<b>APRRN AGM</b> <input type="checkbox"/> Articles of Association <input type="checkbox"/> Membership <input type="checkbox"/> Framework for statements and publications <input type="checkbox"/> Governance
<b>13.00 – 14.00</b>	<b>Lunch</b>
<b>14.00 – 15.45</b> <b>Room 322</b>	<b>APRRN AGM continued</b>
<b>15.45 – 16.00</b>	<b>Coffee break</b>
<b>16.00 – 17.30</b> <b>Room 322</b>	<b>Plenary: APRRN Strategic Plan for 2013-2016</b>
<b>17.30 – 18.00</b> <b>Room 322</b>	<b>Closing Session</b>

**Saturday, 25 August 2012**

<b>09.30 – 12.00</b> <b>Holiday Inn – Lilac Hall</b>	<b>Steering Committee Meeting: Old and New Members</b>
---	--

## Overview of the agenda

The theme of APCCR4 was “Local obligation – global concern: Advancing refugee rights protection in the Asia Pacific”. The theme reflected the core belief of APRRN that refugee rights need to be made a national priority by adopting national legislations and establishing mechanisms to protect refugees in host countries.

Day 1 featured a number of workshops on pressing issues such as national legislation, durable solutions, statelessness, community interpretation and regional cooperation. The various thematic and geographic sessions and discussions on Day 2 were structured to enhance information exchange and strategize on joint actions. Day 3 was dedicated to the Annual General Meeting of APRRN and election of the new Steering Committee.

## Steering Committee Members (2012-2014)

During APCRR4 a new Steering Committee was elected for the 2012-2014 term. The Steering Committee members include Chairs and Deputy Chairs of the thematic/geographic working groups as well as non-voting members and advisors. We are pleased to announce the elected and appointed positions for the 2012-2014 period:

### Chair

Dr. Gopal Krishna Siwakoti  
INHURED International, Nepal

### Deputy Chair

Tamara Domicelj  
Act for Peace, Australia

### Host Organization Representative

Veerawit Tianchainan  
Thai Committee for Refugees Foundation, Thailand

### Nominated Representative

Cheery Zahau  
Name of organization, Thailand

### Working Group Representatives:

#### South Asia Working Group

##### Chair:

Lakshan Dias  
SANRIM, Sri Lanka

##### Deputy Chair:

Saud Tahir  
Socio Legal Information Centre

#### East Asia Working Group

##### Chair:

Emma Daae Kim  
Dongcheon Foundation, Republic of Korea

##### Deputy Chair:

E-Ling Chiu  
Taiwan Association for Human Rights, Taiwan

#### Southeast Asia Working Group

##### Chair:

Veerawit Tianchainan  
Thai Committee for Refugees Foundation, Thailand

##### Deputy Chair:

Vladimir Hernandez  
Community Family Services International, Philippines

#### Australia & Pacific Working Group

##### Chair:

Kafeba Mundele  
New Zealand National Refugee Network, New Zealand

##### Deputy Chair:

Paul Power  
Refugee Council of Australia, Australia

#### Legal Aid and Advocacy Working Group

##### Chair:

Brian Barbour  
Japan Association for Refugees, Japan

#### Immigration Detention Working Group

##### Chair:

Grant Mitchell  
International Detention Coalition, Australia

#### Right to Health Working Group

##### Chair:

Ashok Gladston Xavier  
OfEER, India

#### Women and Girls at Risk Working Group

##### Chair:

Efterpy Mitchell  
Centre for Refugee Research, University of New South Wales, Australia

### Non-voting members

Non voting members are nominated by the Steering Committee in recognition of the services to the Network and their specific expertise. They include:

Alice Nah, HAKAM, Malaysia

James Thomson, Act for Peace, Australia  
Pill Kyu Hwang, GONGGAM, Republic of Korea

**Elected non-members (deputy chairs of the thematic working groups):**

Immigration Detention Working Group

Vivienne Chew, Malaysia

Legal Aid and Advocacy Working Group

Medhapan Sundaradeja, Asylum Access, Thailand

Women and Girls at Risk

Katrina Maliamauv, Tenaganita, Malaysia

Right to Health

Derina Johnson, Burma Border Projects, Thailand

**Advisors**

Advisors are nominated by the Steering Committee for their expertise in specific areas. Advisors will interact with the Steering Committee and the Secretariat through the Chair and Secretariat respectively. Advisors are appointed for a one-year term and include: Barbara Harrelll Bond, Fahamu Refugee Programme, United Kingdom

Ho Taeg Lee, The Refugee PNan, Republic of Korea

Jong Chul Kim, APIL, Republic of Korea

Julia Mayerhofer, Austria

Marip Seng Bu, Kachin National Organization, Japan

Martin David Jones, Fahamu Refugee Programme, United Kingdom

Rajendra Ghimire, PPR, Nepal

Yiombi Thona, NANCEN, Republic of Korea



## WORKSHOPS AND PLENARY SESSIONS

### Welcome Remarks

**Moderator:** Dr. Gopal Krishna Siwakoti (APRRN Deputy Chair/INHURED International, Nepal)

**Speakers:**

Pill Kyu Hwang (APRRN Chair/GONGGAM, Republic of Korea)

Anoop Sukumaran (APRRN Coordinator, Thailand)

Ho Taeg Lee (The Refugee Pnan, Republic of Korea)

**Pill Kyu Hwang**, current Chair of the Asia Pacific Refugee Rights Network, highlighted that after 4 years of existence, APRRN continues to be the only regional network working on the rights of refugees. APRRN believes in non-discrimination, upholding tenets of justice, ratification of the 1951 Refugee Convention, a fair RSD process, alternatives to detention, social security, and most important the human rights and dignity of refugees. Mr. Hwang also thanked the key people who enabled APRRN to expand its reach since its inception in 2008.

**Anoop Sukumaran** expressed the honour to be part of the work of APRRN and to have the opportunity to work with a range of activists in the region. The core of APRRN is the belief that national civil society owns the advancement of refugee protection. Mr. Sukumaran also introduced APRRN's works through 5 thematic and 4 geographical working groups. He highlighted that the ownership of network by its members makes it unique and exciting.

**Ho Taeg Lee** discussed the recently passed Refugee Act, which comes into effect in 2013. Korean activists and APRRN have achieved this in partnership. APRRN gave Korean members the opportunity to participate in many meetings across the region and learn from each other's experiences. Mr. Lee encouraged Koreans to continue coming together to solve refugee issues.

### Plenary session 1: Localizing refugee rights – civil society action to address a global concern

**Moderator:** Alice Nah (HAKAM Malaysia)

**Speakers:**

Hiroaki Ishii (Japan Association for Refugees)

Priyanca Marthur Velath (Institute for Human Development, India)

Katrina Maliamauv (Tenaganita, Malaysia)

Paul Power (Refugee Council of Australia)

This session aimed to share what civil society has been doing in terms of advocacy and advancing refugee rights in the four sub-regions.

**Hiroaki Ishii** from the Japan Association for Refugees presented an update on the refugee situation in Japan. He mentioned the new refugee law passed in South Korea and expressed admiration for involvement of Korean civil society in putting forward the law prior to Japan.

Japan has a low recognition of refugees. The highest number of applications was recorded in 2011 at 1,867 of which only 21 were recognized as refugees. This year the number may reach 2,000.

Major developments in Japan include the launch of the tripartite management and Alternatives to Detention (ATD) Pilot project. Discussions on the project started after an immigration detention round table in South Korea in 2010 and a visit by the International Detention Coalition in 2011. The memorandum was formally agreed upon in February 2012 by FRK, MOJ, and JFBA. Japan has also started a 3-year pilot project for resettlement in 2010. The discussions on the project were ad-hoc and closed between the government and NGOs. Ensuring refugee participation in advocacy and integration processes remains a prescient challenge for Japanese civil society.

Mr. Hiroaki finished his presentation with 5 key points to enforce refugee protection through joint advocacy. They were :

Ensure due process in RSD

Securing legal status for asylum seekers

Securing asylum seekers' minimum standard of living

Provision of social integration programs for recognized refugees



Equalization of legal & social benefits among Convention refugees, resettled refugees, & those with Humanitarian Status

**Priyanca Marthur Velath** highlighted that the role of civil society in advocating refugee protection is critical and indispensable in South Asia, especially in India. Refugee rights exist in a legal vacuum and refugee rights are often forgotten. The notion that the “burden” of protecting refugees falls only on UNHCR and the international community presents a formidable challenge to practitioners in the region.

India is not party to the 1951 Refugee Convention or its 1967 Protocol, and does not have a national refugee protection framework. UNHCR conducts refugee status determination (RSD) for asylum-seekers from non-neighbouring countries and Myanmar. UNHCR also has a presence in Chennai, Tamil Nadu in the south, to support the voluntary repatriation of Sri Lankan refugees. Mixed migration flows have further complicated the identification and protection of refugees by UNHCR.

UNHCR interacts with civil society, lawyers, academics, NGOs, think-tanks, students, media and local authorities. Along with the International Committee of the Red Cross (ICRC), UNHCR helped introduce a post graduate diploma course on Human Rights, International Humanitarian Law (IHL) and Refugee Law at the Indian Society of International Law (ISIL). Efforts to expand such activities in many institutes of education throughout India are ongoing. UNHCR works closely with the National Human Rights Commission (NHRC) to promote understanding of refugee issues. UNHCR also raises awareness on refugee issues with local schools and hospitals in New Delhi, which refugees and asylum seekers access, to encourage them to adopt a more inclusive approach towards this group.

In conclusion, there remains a deep divide between citizens and non-citizens in India. Intolerance and apathy toward “outsiders” persists. A more humanitarian and ethical approach is needed and civil society must take a more active role in the protection of refugee rights.

Katrina Maliamauv provided an update on the refugee situation in Malaysia. In May 2012 there were 98,644 refugees registered at UNHCR out of which 20,534 were children and 30% women. UNHCR estimates that the unregistered population is 10,000, while community estimates range between 50,000 to 70,000. Malaysian law currently offers no protection to refugees. In addition, refugees lack safety and access to sustainable livelihoods. Opportunities for durable solutions are also small and limited. In general, there is a poor understanding of the situation of refugees and

a disconnect between UNHCR’s perception of unregistered refugees and community figures. It is difficult to protect refugees when they are not registered.

Refugee rights advocates must be connected to the communities they are advocating for. It is fundamental to involve the community and be as inclusive as possible. Examples of current actions in Malaysia include continued outreach, creating physical spaces for engagement (such as the SAHABAT Centre), establishing long-term relationships (in networks, partnerships, joint programs and campaigns) and helping refugees to speak out.

Refugees in Malaysia encounter many challenges from UNHCR and the government. We need to monitor, critique and respond to those actions, and try to create an environment that is supportive and conducive. Malaysian civil society also needs to advance partnerships with regional / international groups with stronger access to UNHCR in Geneva. In such a hostile environment we need to explore new and creative means to advocate for change. We need to allow ourselves to be intrusive and confrontational and work together.

**Paul Power** shared on the response to refugee policy agenda in Australia. There are currently 4 classes of refugees in Australia:

Resettled refugees:

Refugees referred by UNHCR for resettlement – Refugee Program

Refugees accepted as permanent residents of Australia – Special Humanitarian Program

Asylum seekers:

Asylum seekers who enter Australia by plane with some form of visa – live in the community on Bridging Visas while their claim is assessed

Asylum seekers who enter Australia by boat without a prior visa – subject to mandatory detention and/or offshore processing

Since the last APCRR there have been a number of changes related to refugee policy:

Expansion of community detention for children, families and vulnerable asylum seekers

Swap deal with Malaysia proposed – and defeated in High Court

From November 2011, asylum seekers (boat arrivals) shifted from detention to Bridging Visas

Average stay in detention cut from 277 days in November 2011 to 93 days in June 2012 but still 5,815 in closed detention.

Introduction of complementary protection (March 2012)

End to separate legal regime for boat arrivals whose asylum claims were assessed in Australia (March 2012)

What the Opposition parties are promising if elected in 2013:

- Offshore processing of applications for asylum seekers arriving by boat on Nauru and Manus Island
- Pushing boats back to Indonesia in some cases
- Presumption against protection where asylum seekers have destroyed documents or have no documents
- Re-establishing Temporary Protection Visa system
- Creating an 'internal queue' for permanent protection by limiting permanent visas to 2000 per year
- Focusing resettlement almost exclusively on South East Asia but only on refugees from that region
- Maintaining Australia's Refugee and Humanitarian Program at 13,750 places per year – no increase

On June 28<sup>th</sup>, the Prime Minister formed an Expert Panel to research and present a way forward within six-weeks. Some of the positive recommendations of the expert panel include:

- Immediate increase in Australia's Refugee and Humanitarian Program to 20,000 places, with focus on resettlement from Asia
- Increased focus on protection through regional framework and bilateral cooperation with Indonesia and Malaysia
- \$70 million p.a. increase in funding for regional capacity building

However, there are some contentious recommendations, which include:

- Re-establishment of offshore processing arrangements on Nauru and Manus Island
- Extension of 'excision' policy to the whole of Australia
- Re-establishment of swap agreement with Malaysia
- Excluding asylum seekers arriving by boat from family reunion under Special Humanitarian Program – but 4000 additional Family Migration places for refugee families
- Continuation of anti-smuggling and disruption strategies and enhanced strategies for removals and returns

At the end of his presentation Paul Power highlighted some of the priority areas for Australian NGO advocacy. They included conditions and limits to mandatory detention, full access to RSD/legal advice, adequate support for asylum seekers on Bridging Visas, and a Statelessness status determination system. On the issue of offshore processing and regional cooperation, implementation of all protection-centred recommendations from the Expert Panel must be ensured. Other issues that NGOs should look at are options to advance the Regional Cooperation Framework, conditions of transfer to Nauru and Manus Island, and the possibility of renewal of the Malaysia arrangement.

## Workshop 1: Understanding regional cooperation in the context of mixed migration flows

The session was structured as a conversation between the panelists with space for interjections from the audience and the conversation was facilitated by Tamara Domicelj. The conversation focused on two main questions:

What do we see as the key regional challenges with respect to refugee protection?  
What do we think we should do as a network to capitalize on our strengths so as to advance the respect, protection, and promotion of refugee rights?

The facilitator introduced and contextualized the questions with the paradigm of regional cooperation towards refugee protection, framed by perspectives from the ground up. How these grassroots understanding could and should influence regional and international refugee protection and advocacy. Exploring our understanding of what we mean by regional cooperation?

Alice Nah opened the conversation providing an overview of the situation in the Asia Pacific Region where the a majority of the states are not signatories to the 1951 convention on the Status of Refugees. As such in non-signatories states there is a legal vacuum with regards to refugee protection. Refugees are not recognized as refugees, but considered to be "illegal" migrants and usually treated under the same immigration acts that apply to economic migrants and others. Recourse to legal remedies to increase protection for refugees using the national legal systems is limited and restrictive.

The ramifications for refugee protection in such situations is multifold, where refugees not only face possible refoolment, and continual harassment by authorities but face the ongoing threat of indefinite immigration detention.

Civil society tries hard to provide basic services for refugees, most of which are grossly under resourced, both financially and technically. There is the need to have more civil society actors in increasing the space for refugee protection.

Alice touched upon the resistance to the signing of the 1951 convention by many Asian states, and connected this resistance to prevalent ethno nationalism combined with historical misgivings of the nature of the convention. This has resulted in a the status quo of continuing resistance to the accession to the convention. The widespread belief that refugees are not their problem but external to them.

Refugee flows in the region is part of the larger mixed migration flows, making advocating for refugee rights in the region complex and intricately intertwined with the larger migration flows in the region.

Every person has a contribution to make to in realizing refugee rights, we have different strengths as organisations, and as individuals. Making refugee rights an actual reality requires cooperation and collaboration at multiple levels, at levels of communities and people, at the levels of the nation state, regionally and internationally. APRRN has proved that civil society actors on a platform working together can make a difference. It's a young network and yet has proven that it make a significant impact on the refugee rights debate. We have a responsibility to bring in greater commitment and increase civil society participation in the issue.

James Thomson contextualised regional cooperation, arguing that there is a statist perspective to regional cooperation, which is embodied in the Bali Process and similar bodies and the perspective that is from the people on the ground. The focus of states in cooperating with each other through the Bali process has been on stabilization of migratory flows aimed at containing "irregular" migration. Protection and refugee protection in particular is not an agenda for states to cooperate on.

The onus is therefore to set an agenda that we want to be reflected in state deliberations. How can civil society ensure that protection is included and made central to regional cooperation. This essentially means that civil society through networks such as APRRN should be able to generate a position outside that of those set by states, Our vision of what regional protection looks like needs to be better articulated. This shared vision becomes the central pivot for civil society engagement with states and state drive regional cooperation initiatives. The articulation has to identify

what we think states should do,

APRRN is well placed to identify areas where civil society have strengths as well as gaps that need to be resourced and capacities strengthened. Regional protection seen broadly from civil society perspectives therefore, provides a means to provide states and other decision makers with options they may not be aware of, implications of which can be long term and far reaching. It is crucial to be able to point to states and donors to look beyond traditional areas such as camps, to focus on the urban situations where more than half the refugee populations reside.

Anoop mentioned that the refugee rights movement in the region has begun to have a momentum in the region owing to in large measure to the work done by APRRN members in the region. The refugee rights movement has hitherto been reactive to agendas set by states, echoing the point made by James earlier. The nascent nature of the movement did not give the space for it be seen important enough to influence the debates, however over the last few years, this is changing. APRRN as a regional network has enabled the collective voices of refugee rights advocates resonate with decision makers. APRRN through its work has showcased that there are a variety of ways to engage states and other stakeholders, change can be painstakingly incremental and sometimes path breaking. Working at various levels, the local, national, regional and international levels and magnifying the voices from the ground, APRRN has proven to very successful.

However, this is where civil society in the region needs to take the next step. Defining the vision for refugee protection in the region. The vision and strategy is the agenda that is set by practitioners and refugee communities impacting national, regional and international policy, rather than reacting to policies. The identification of our collective strengths and best practices are useful tools towards the goal of a viable and sustainable refugee protection in the region.

## Workshop 2: Lobbying for refugee rights through domestic legislation

**Moderator:** Vladimir Hernandez (Southeast Asia WG Deputy Chair/Community Family Services International, Philippines)

### Speakers:

Dr. Gopal Krishna Siwakoti (APRRN Deputy Chair/INHURED International, Nepal)

Veerawit Tianchainan (Southeast Asia WG Chair/Thai Committee for Refugees Foundation, Thailand)

E-Ling Chiu (Taiwan Association for Human Rights)

Jongchul Kim (APIL, Republic of Korea)

**Jong Chul Kim** spoke on the recently passed refugee law in South Korea and what kind of advocacy strategies have worked in terms of protecting the rights of asylum seekers. Mr. Kim shared three cases that he has recently worked on:

Case 1 is a 15-year old Somali refugee who was denied entry at Incheon International Airport. Although he revealed his intention to seek asylum, he was later detained at the airport and kept in the waiting room for a month. The reasons for detention were not explained to him at any point, but it is assumed that the airport is considered an international zone, which has already been criticized by the Human Rights Court in Strasbourg. APIL advocated on his behalf and brought his case to the court, arguing that refusing to receive a refugee application at the airport is illegal. The relevant law provides that an alien in Korea may apply for refugee status and it is clear that the airport is the territory of Korea. A few days later, APIL made a petition with the court on his detention. As a result, the immigration office allowed him to enter without any explanation. NGOs in Korea are now supporting him with accommodation, medical and psychosocial services as well as education.

Case 2 was an asylum seeker from Nigeria, detained for 2 years during the court procedure. A signature campaign was started that asylum seekers who have applied for asylum and are waiting for the decision, should not be detained. The media also covered the story and APIL filed an objection to the Ministry of Justice that the detention was illegal, but the objection was rejected. APIL filed litigation with the court in response, requesting that the rejection be revoked. The case is still pending and APIL plans to file a constitutional litigation, challenging the relevant provision in the Immigration Control act, which makes it possible to detain refugees indefinitely without periodic judicial review. APIL argues that the provision in the immigration control act itself violates freedom of movement enshrined by the Constitution. APIL also applied for temporal release, which is the sole alter-

native to detention in Korea, but the application has not been accepted. Without due process, the asylum seeker was suddenly released.

Case 3 is an asylum seeker from Ethiopia who was deported after being in detention for two months. On his return he was held at Bangkok airport, where he spent 7 months in a detention room. APIL requested that the Korean MoJ accept him, and also submitted a petition to the National Human Rights of Korea on *refoulement*, refusal to receive a refugee application, and arbitrary detention. Fortunately he was recognized as a refugee by UNHCR in Thailand and is now resettled in New Zealand.

He highlighted that in many cases an unofficial approach and sustaining a friendly relationship with officials is important. APIL has interacted with the MOJ in a confrontational manner, a result of frustration when all case procedures are exhausted and asylum seekers are not granted refugee status. Mr. Kim highlighted that often we need to seek creative and various ways to solve refugee problems.

**Dr. Gopal Krishna Siwakoti** spoke on the development of national legislation in Nepal. Currently, there are approximately 140,000 refugees & asylum seekers in Nepal, many of whom were forced to flee conflict or persecution in their countries of origin. Nepal is not signatory to the 1951 Refugee Convention or the 1967 Protocol and there is no domestic law to deal with the huge refugee population. Instead refugees are classed as foreigners with no greater rights than immigrants or tourists.

The government fears that introducing refugee law would result in a surge of refugees into the country and encourage economic migrants coming across the border to pose as refugees, placing pressure on scarce resources. At the same time, refugee law would be welcome as it would provide for “equality of treatment of all groups” including a legal framework that would ensure that refugees and asylum seekers’ rights and duties are based on legal and humanitarian considerations.

INHURED International and other institutions (PPR, Nepal Law Campus, Pro-public, HURON) have lobbied for over a decade for the redrafting of domestic law. These groups joined together to develop a draft law that was included in a round of structured dialogues with various stakeholders, formal meetings with senior politicians, several field visits to camps, and interactive sessions with parliamentarians. The draft bill was handed over to the highest authority (President, Deputy PM, Speaker, Foreign Minister). Later it also included Experts’ Panel, several rounds of informal discussions and lobbying, a test case filed

in the Supreme Court on mandate refugee, education and communications literatures, and a roundtable for “finalization” of the draft bill.

The government has stalled on approving the bill, mainly due to absence of conceptual clarity, a conservative mindset and probably also security concerns. The bill is not seen as a priority amidst issues such as new constitution drafting and leading the peace process to a logical conclusion.

**Veerawit Tianchainan** highlighted that Thailand is also not a signatory to the 1951 Convention and there are no domestic legislation on refugees in place. Civil society therefore needs to utilise other international law e.g. the principle of non-*refoulement*.

Refugees on the Thai-Burma border have been held in camps for more than 20 years, with no legal status and some without registration. The number of urban refugees keep fluctuating, as once they enter the country illegally they are often detained and some sent back to their country of origin.

Civil society and NGOs are lobbying for refugee rights and are involved in the drafting of a Refugee Act. The government remains reluctant to ensure refugee protection and more dialogue is needed. The perception of the public that refugees don't need help when so many Thai people still live in poverty, further compounds the issue.

**E-Ling Chiu** spoke on the development of a refugee law in Taiwan. Taiwan (R.O.C) was forced to withdraw its UN membership in 1971 after China was accepted as the UN member. Since then, Taiwan has been excluded from the UN system and other international and regional cooperative system such as ASEAN and ILO.

Taiwan is not signatory to the 1951 Refugee Convention but the Legislative Yuan has passed the Act to

Implement the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and Enforcement Act of Convention on the Elimination of All Forms of Discrimination against Women to ensure they pass into domestic law.

Groups of concern in Taiwan include Tibetans as well as groups from the Thai-Burma border. The Act Governing Relations between the People of Taiwan and Mainland China (Article 17) has been revised many times. The Ministry of the Interior may on a case-by-case basis permit any of the people of the Mainland Area long-term residency in the Taiwan Area out of political, economic, social, educational, science-tech or cultural consideration, and may restrict the categories and quota for residency applications. The Act should be revised and provide asylum application and review procedures. Those who are given the status to remain in Taiwan should have the same rights, which are provided in the Refugee Act.

Ms. Chiu shared some opinions on the Refugee Act from other NGOs. She highlighted that the review process should be open, transparent, fair and carried out by independent board members from civil society and experts. The clause “dangerous to the public order” is not a clear concept in law, and the behaviours which are included in this should be made explicit. Transit from another country cannot be the sole reason for rejection of an application. Otherwise it is against the principle of the Convention relating to the Status of Refugees. There's also no clear remedy, solution or appeal process in the entire Refugee Act for the applicant who is rejected by the authority.

On June 20<sup>th</sup>, World Refugee Day, TAHR and AI Taiwan submitted articles to the two major newspapers in Taiwan to urge the government to pass the Refugee Act. TOPS also held a lunch conference about refugees and invited NIA to have an opening speech.

## Workshop 3: Repatriation and durable solutions – opportunities and challenges

**Moderator:** Julia Mayerhofer (APRRN Secretariat, Thailand)

**Speakers:**

Imran Khan Laghari (Human Rights Alliance, Pakistan)

Za Uk Ling (Chin Human Rights Organization, Thailand)

Lakshan Dias (SANRIM, Sri Lanka)

**Imran Khan Laghari** spoke about the repatriation of Afghan refugees from Pakistan. He first shared on the situation and highlighted that Pakistan has been host to one of the world's largest refugee populations for more than three decades. According to UNHCR there are currently 1.7 million registered refugees in Pakistan. In addition that there might be an additional one million unregistered refugees in Pakistan. 40.6% of refugees live in refugee camps/villages and 59.4% of refugees live in both rural and urban areas.

Imran also briefly described the different durable solutions and reiterated the elements of voluntary repatriation, which include (Voluntary Repatriation Handbook UNHCR 1996: § 2.4):

Refugees are not manhandled;

Refugees can return unconditionally and if they are returning spontaneously they can do so at their own pace;

That they are not arbitrarily separated from family members;

That they are treated with respect and full acceptance by their national authorities, including the full restoration of their rights.

Voluntary repatriation needs to ensure that safety and dignity can be guaranteed and that it takes place under conditions of legal safety, physical security and material security.

The Government of Pakistan already has a tripartite agreement with the government of Afghanistan, and UNHCR. The Management and Repatriation Strategy of Afghan refugees in Pakistan 2010-2012 (AMRS), was officially adopted in March 2010. The key objective of this strategy is voluntary repatriation of Afghan refugees from Pakistan. To date, UNHCR estimates to have assisted 3.7 million Afghan refugees to return to Afghanistan, 3.5 million from Pakistan. UNHCR referred to the large numbers as 'triumphs' and the repatriation program as a 'remarkable operation', which provided for a 'solution to what had seemed an intractable refugee situation' (UNHCR 2006). But this

is not what happened in reality.

Given Afghanistan's history of more than 25 years of war and violence, the country is still characterized by extreme levels of insecurity as well as economic, political and social instability. As a result, many refugees who returned to Afghanistan found it difficult to survive in their home areas and considered returning to the country of asylum or becoming internally displaced.

Imran reminded participants of the realities of voluntary repatriation, which include economic interests, the Western interest (Western countries do not want refugees), NATO and US interests (US wanted to show the world that the war on terror was successful) and Pakistan's interests (refugees are a "burden" to the economy).

In Pakistan's case, repatriation became the only durable solutions, instead of voluntary repatriation it became forced repatriation; instead of refugees making informed decisions, the decisions were already formed and instead of refugees having a free choice, it was their only choice.

Repatriation took place when refugee flows out of Afghanistan to Pakistan were continuing. Also, there were reports that families who repatriated to Afghanistan then came back, raising serious questions about sustainability of return.

**Za Uk Ling** spoke about the situation inside Burma and whether the conditions are right for the return of refugees from Thailand. The recent reforms implemented by the Burmese government have resulted in a lot of optimism by the international community, but what we have seen so far is that change is not reaching the ground. The ceasefires are still fragile and only an agreement on paper. Many areas continue to be unstable, militarized and heavily mined. For example the human rights abuses against Kachin people have caused at least 70,000 refugees to flee the area, many of them are still internally displaced while others have crossed the border into China where they are not being treated well. President Thein Sein has twice ordered the army to stop the offensive against the Kachin people; it has been more than a year since that order was given, but fighting continues in Kachin state.

Since the elections in Burma in 2010, CHRO has continued to document a range of human rights violations in Chin State – CHRO find that they are documenting the same level of rights violations as before the elections. President Thein Sein has invited exiles to return to Burma– some political activists have returned but there is no guarantee that returnees will not again be

subject to the same kinds of violations upon repatriation. Also, hundreds of others still remain in jail as political prisoners.

There continues to be very limited opportunities to engage in real political talk. To settle the political problems in Burma we need to address the constitution of Burma.

A pilot project inside Karen state by the Norwegian Fund for Peace has been criticized by civil society. A lot of CSOs see the pilot project as problematic on the basis that you cannot and should not experiment with human lives. Repatriation needs to be voluntary and the conditions need to ensure safety and security for returning refugees. There also needs to be a long process of consultation.

**Lakshan Dias** highlighted that Sri Lanka is a complex case as a result of the methods of repatriation tacitly endorsed by the international community. Firstly, the Sri Lankan government repatriates refugees or asylum seekers living in Sri Lanka (e.g. Pakistan, Afghanistan, Burma, etc). Secondly, the Sri Lankan government requests other governments to repatriate Sri Lankans back to Sri Lanka.

The Sri Lankan government is nationalistic. The State feels that the existence of asylum seekers/refugees of Sri Lankan origin is shameful, which tarnishes the image of the country, especially as it is now three years since the “end of the war”. The government is therefore engaged in a campaign to repatriate asylum seekers and refugees from countries of asylum.

According to unverified statistics, there are half a million Sri Lankans, mainly Tamils, living in countries outside of Sri Lanka. Many have been repatriated by the UK Switzerland Canada and the USA. When returnees arrive, they are perceived as ‘traitors’ and are often interrogated and tortured. This claim is supported by evidence and intelligence agencies are involved in the repatriation process.

Sri Lankan civil society created a group of lawyers to assist repatriated persons. APRRN members should also inform members in Sri Lanka, when they know of someone who is being repatriated.

**Julia Mayerhofer** shared that APRRN has organized a workshop on repatriation of Burmese refugees in co-operation with Burma Partnership. The workshop was attended by 45 refugees and CBO representatives. The aim of the workshop was to hear from refugees what their concerns were about the repatriation process, and what conditions they felt were necessary for them to return. Some of the identified problems and challenges included:

Lack of access to information – all information received on repatriation is based on rumour. No official information provided. A lot of uncertainty – when it will happen, how, and who will be involved  
The realities on the ground and lack of trust in Burmese officials

Safety of women and children

Citizen’s rights

Freedom of movement

Issue of land and livelihoods, food security – don’t know what has happened to their lands while they were displaced. No papers to certify land ownership. Many of the younger generation grew up in camp and do not having farming skills.

Lack of transparency – at this point, not much consultation with refugees and CBOs. Also, no monitoring.

Access to areas where people are repatriated.

Health and education – many refugees have attended schools inside refugee camps. Will this education be recognized when they return to Burma?

Question that came up – how can APRRN ensure that the rights of refugees are respected during repatriation?

### Question and answer session

The concept of ‘forced humane deportation’ was raised during a meeting with UNHCR and this is a worrying development in itself. It was also mentioned that we should refer to it as forced deportation instead of voluntary repatriation.

On the repatriation of Burmese refugees:  
Refugee communities have no confidence in the current reform process and do not consider return as an option. At the same time their existence in India is difficult and a local integration approach has failed. Refugees continue to apply for resettlement, because of the lack of clarity around the repatriation process and the fear of being sent back. The workshop that APRRN has organized was only a start and more will be done to reach out to other communities along the Thai-Burma border. APRRN will also coordinate closely with CSSDPT on monitoring the repatriation. More attention also needs to be paid to potential ‘push factors’ in countries of asylum that may lead to repatriation becoming involuntary.

## Workshop 4 – The Humanitarian Accountability Partnership (HAP) and Sphere Minimum Standards in Humanitarian Response

This session discussed the meaning of quality services and accountability to those we mean to serve: refugees. Too often, NGOs are led by accountability to donors and organization headquarters, but while this form of accountability is relevant and important the donor, the organization headquarters, and those working on the ground are all accountable first and foremost to those they serve who are affected by disasters, conflict, poverty or other crises.

The Rwanda Genocide of 1994 was preceded by at least 3.5 years of developing tensions inside and around Rwanda that led to the violent killing of nearly 1,000,000 people and massive displacement. A joint evaluation of the response to this disaster by humanitarian agencies was conducted and the findings included the following:

1. There was a lack of preparedness and so resources were focused instead on response and were led by media coverage and donor response rather than by prevention and beneficiary need;
2. There was a lack of policy or strategy, particularly overall and between agencies, but also at the individual agency level;
3. There was a lack of coordination between agencies;
4. There was a lack of standardized quality and performance data to evaluate effectiveness, so it was nearly impossible to do better next time

In response to these findings a number of attempts have been made at developing standards that would assist humanitarian actors to provide quality humanitarian response. The philosophy underlying these initiatives is: (1) that the work should be people centered and focus on accountability to those affected; (2) that the work should be quality-driven with common principles and minimum standards that are evidence-based and widely agreed upon; and (3) that the work should be rights-based so that specific standards translate people's rights into specific agency duties (so that rights can be realized in practice).

Specifically, this session critically examined two of the most widely recognized quality and accountability initiatives that have been developed:

The Sphere Project: Humanitarian Charter and Minimum Standards in Humanitarian Response 2011

The Humanitarian Accountability Partnership (HAP): 2010 HAP Standards

Through a participatory approach, attendees identi-

fied reasons why we sometimes fail to deliver quality and accountability in our services. Examples include: demand outweighing supply (usually because of a lack of resources); lack of clear policies and systems; lack of staff training; lack of staff support; failure to provide clear information or reasons for our actions; failure to apologize for delays; lack of channels for needs assessment; lack of channels for feedback and complaints from beneficiaries; and failure to monitor and evaluate as we go along, among other things. Then participants identified potential solutions, including: setting expectations; establishing clear systems and policies; maintaining positive and collaborative relationships with beneficiaries, partners, and donors; engaging in needs assessment with beneficiaries; establishing feedback and complaints mechanisms; ensuring ongoing training for staff; and engaging in critical and honest monitoring and evaluating to improve as we go; among other things.

Participants sat in small groups and then applied the quality and accountability principles discussed to four actual case studies. The participants actually utilized the Sphere and HAP handbooks to support their response, but also answered the fundamental questions: "What would you do?" or "How would you actually respond".

Finally, participants discussed the content of Sphere and HAP critically and recognized the differences between them, discussed other quality and accountability tools like the "Nairobi Code", and discussed ways that we could utilize these tools in practice. Participants were unanimous in recognition of the need for more discussion around these issues.

## Workshop 5 – Community interpreter training

Moderator: Emma Daae Kim (Dongcheon Foundation, Republic of Korea)

Speakers:

Jieun Lee (Ewha Womans University, Republic of Korea)

Mizuno Makiko (Kinjo Gakuin University, Japan)

Jeanie Kim (Dongcheon Foundation, Republic of Korea)

Choto Chakma (Jumma Peoples' Network, Republic of Korea)

Mizuno Makiko presented on community interpreting and language issues in refugee examination in Japan. Most interpreters are Japanese nationals whose native language is Japanese. The community interpreter characteristics are intended for local residents, there is a pronounced power gap, diversity in language level, involvement in cultural issues and directly related to basic human rights (language rights). Language rights were established in the civil rights movement in 1960s in Japan, but implementation remains stagnant. Mizuno Makiko proposed the following classification of community interpreting: legal, healthcare, school, local government, interpreting at times of disaster and for cross-cultural events. Ethics for interpreters include accuracy, confidentiality, impartiality, cultural awareness and professionalism.

Ms. Makiko also presented a study on “Refugee Examination and Interpreting in Japan”. Some of the issues surrounding interpretation that were identified in the study include the shortage of lesser-used language interpreters, lack of professionalism and understanding about interpreting as well as the lack of a system to certify and train interpreters. Some languages are in great demand but few interpreters can be found in local areas. Interpreters often work on an ad hoc basis; there is no official training program or screening system of interpreters. This has led to poor quality compared with court interpreters. Since community interpreters also received low pay compared to court interpreters, the whole system relies on the goodwill of volunteer interpreters. Little attention is paid to language skills and the understanding of the cultural and social background of the asylum seeker.

In conclusion, inadequate interpreting is an infringement on the human rights of refugees. More awareness on the importance of language and communication is necessary and the training of interpreters for refugee examinations is an urgent need for fair treatment of refugees.

Jieun Lee presented on the topic of unprofessional interpreters at asylum appeal hearings in Korea and the pressing need for training and reform. Professional interpreting should be mandatory at asylum interviews since the applicants' statement is vital evidence. Ms Lee presented on a study examining the quality of interpreting at asylum appeal hearings. The study found limited linguistic and interpreting skills, lack of accuracy and impartiality of interpreters, as well as a lack of understanding of the role of interpreters. Most of the interpreters at the asylum appeal hearings lack professionalism as defined by UNHCR. The engagement of unskilled ad-hoc interpreters has resulted in inefficient proceedings and interference with evidence, as well as posing a threat to the due process.

She concluded that there should be more training and professionalization, information sharing with interpreter service users, collaboration between research and practice, as well as investigation into cross-cultural and cross-linguistic issues in asylum settings.

**Jeanie Kim** presented on refugee legal aid and the Community Interpreters Training Project that Dongcheon Foundation has established. Ms. Kim shared four case studies:

- The Cairo Community Interpreters Project (CCIP) offers interpretation training and outreach program at the Center for Migration and Refugee Studies at the American University in Cairo.
- The Hong Kong Refugee Advice Center organizes training sessions with Hong Kong University and uses interpreters when needed.
- The Refugee Law Project in Uganda recruited a team of 9 people from refugee communities.
- In New Zealand the Department of Labour (coordinated by the interpreter coordinator) also manages the interpreter database, and officers have to fill out an evaluation form.

The context in Korea is different from other countries in terms of interpreting training and the case studies are not applicable to the Korean situation. Dongcheon Foundation has started a pilot program in 2011 with 20 interpreters from different countries. They received four hours training covering the refugee definition, RSD procedures, interview room environment, basic terms, interpreting skills and ethics. The project was funded by UNHCR and a management development project was also set up. Another community interpreters training program was funded by Ministry of Justice and UNHCR. Seventy-six people participated in this program and were recognized as interpreters for refugees by the Ministry of Justice. Further plans in Korea include the improvement of the management of trained interpreters through regular meetings, evaluations systems and Korean classes. There are also plans to make a legal glossary for Korean and English terms.

## Workshop 6 - Statelessness

**Moderator:** Grant Mitchell (International Detention Coalition, Australia)

**Speakers:**

Chris Lewa (Arakan Project)

Vivienne Chew (Malaysian Child Resource Institute)

Ayane Odagawa (Stateless Network, Japan)

Recently there has been unprecedented progress in the protection of stateless persons. Sixty-one states made commitment to improve protection of stateless persons and a dialogue has commenced about implementing those pledges. There have also been developments at the UN level, and more work has been done on the right to nationality, especially for women and children.

**Vivienne Chew** presented on statelessness in Malaysia, with the data being focused on children. According to Malaysian law, stateless persons are “illegal immigrants” and liable for detention. The federal constitution provides for citizenship under certain conditions, for example when a child is born in Malaysia and if one parent is Malay, but each state has different laws and norms. Bajau Laut people (ethnic group of Malay origin) have no formal nationality and there seems to be no intention on the part of the Malaysian government to give them nationality.

Mapping exercises in Malaysia have not been conducted due to inaccessibility and exorbitant cost. Too, there is a lack of awareness of the importance of birth certification. Protection concerns include access to education and health care, along with vulnerability to abuse and exploitation. In the case of Malaysia, it is difficult to solve these problems because it is so politicized and difficult to work with the government collaboratively. The issue of NGO capacity is also a major challenge.

**Ayane Odagawa:** The Japanese government has not ratified the Statelessness Convention of 1954 or the 1951 Refugee Convention. There is no official institution to determine statelessness, and the immigration bureau is reluctant to recognize a person as stateless. Therefore, it is common practice to recognize ethnic minorities from Burma as Burmese nationals, not as stateless persons. There is also no formal system for stateless persons to be protected, and very minimal protection is provided by NGOs.

**Chris Lewa** presented on the stateless Rohingya and the on-going ethno-religious conflict in Rakhine state inside Burma. Under Burmese Citizenship Law (1982), full citizenship can be reserved for certain recognized national races. The Rohingya are not listed here,

**Choto Chakma** shared his experience of being an interpreter over the last four years. When he first came to Korea he did not have any training, but realized from experience that interpretation is important in the refugee context. He participated in training, where he got to know the basic fundamental rules. Interpreting is not only translating a language into another, but also requires the willingness to help. Qualities that interpreters should have are compassion and interest in those who need interpretation, in addition to professionalism.

### Question and answer

In the question and answer session, Jieun Lee shared that the research findings were presented to two judges. While they were appreciative, most judges tend to be cautious and less open to researchers. Mizuno Makiko noted that interpreters should be impartial, even when they have differing political opinions, and they should not bring their own values to the process. Jeanie Kim highlighted that educational background and involvement with refugee issues are the main criteria for inviting participants to the training.



which has led to systematic race discrimination. For their naturalization they would need proof of ancestry before Burma's independence. The Rohingya are also perceived as 'illegal migrants from Bangladesh'. Violence in Rakhine state started in June 2012 and escalated thereafter leading to further displacement and numerous humanitarian challenges as the Rakhine population are blocking aid and trade with the Rohingya communities.

## Plenary Session 2: Dialogue Session with Refugees

**Moderator:** Kafeba Mundele (Australia & Pacific WG Deputy Chair/New Zealand National Refugee Network)

**Speakers:**

Yiombi Thona (NANCEN, Republic of Korea)

Peter Bran Seng (Refugee Coordination Committee Japan)

Cheery Zahau (Thailand)

**Introduction:**

The aim of this session was to learn of the refugee experience from former refugees. The three speakers shared their challenges, how to solve the problems they experienced and what their expectations were. Speakers emphasize the need to find ways to improve the situation of refugees in different countries, with refugee groups working together in partnership with NGOs.

**Yiombi Thona**, originally from the Democratic Republic of the Congo (DRC), is now living in South Korea. Yiombi shared his family background and personal experiences from his life in the Congo. Yiombi raised awareness of the situation in the DRC and the problems that refugees face. He highlighted that change must originate locally in order for it to be sustainable. One of the key problems facing refugees in Korea is that they are not allowed to work and financial resources are limited as a result. When refugees organize into groups in an effort to advocate for inclusive access to Korean society they face security risks as their home governments try to track their whereabouts. NGOs should assist refugees by facilitating discussions either online or in other safe arenas. Mr. Thona stated that, in developed countries like Korea, people should be guaranteed justice and human rights, regardless of refugee status. Mr. Thona also noted that APRRN is an important network in the gap where the government is unwilling to protect and support refugees.

**Peter Bran Seng** is originally from Northern Burma and came to Japan in 2001, in 2005 he received Japanese citizenship. He gave a brief description of Burmese history, his family and his life in Burma and Thailand, where Mr. Seng first sought asylum. Upon arrival in Japan, Mr. Seng underwent six months of compulsory military training, which was difficult for him. After his military training, Mr. Seng has been employed as an English teacher, cleaner, and in a restaurant. Serious illness recently forced him to resign work. Upon regaining his health he joined the Refugee Coordination Committee in Japan, which was formed

by refugees themselves. The biggest problem for him is in his interactions with local people because he is still considered a stranger. He hopes to go back to Burma one day and reiterated the need to look into the future and not the past.

**Cheery Zahau** shared her thoughts on the identity crises of being a refugee. Chin people left their homeland, as the legal and political systems could no longer guarantee safety. The Chin hoped to find protection in India. However, they found the vast majority of Indian people did not understand who refugees are and do not accept them. There have been reports of the abuse of Chin women in India by their landlords, farmers refusing pay for the work refugees do on their farms. Refugees feel they cannot go to police to report these issues because they didn't have papers to prove their identity. This lack of protection makes people go into hiding and remain silent. Refugee communities also have very little income and it is difficult for families to survive. The Indian government does not listen to NGOs but it is time for us to reiterate the need for legal protection and human rights for refugees. We need to advocate for these rights, not only in India.

Ms. Zahau also shared her personal experience of living in India for ten years and the discrimination she experienced. She highlighted that civil society needs to look at a series of campaigns for refugee protection and against discrimination. When we organize activities for refugees we also need to keep their location in mind, since of the camp-based refugees cannot travel freely.

### Question and answer

In the question and answer session it was noted that identifying a representative to help refugee communities is useful, but security is one of the major obstacles to this. The problem is also how to contact each other when refugees do not have any contact information. Many women expressed fear of the police and it is very difficult for them to come out and self-identify. This is where NGOs can assist by providing a platform for exchange and making contacts.

## GEOGRAPHIC SESSIONS

### East Asia

Facilitator: Brian Barbour (Japan Association for Refugees/East Asia WG Chair)

#### Key issues of concern & discussion points:

In Japan a pilot project was started in April, between the Lawyers Association and the Ministry of Justice (MOJ). The group meets twice a month to deal with airport cases where refugees who have expressed a wish to seek asylum in Japan are detained in the airport for extended periods. Japanese civil society is also working on a refugee protection law in addition to the already existing immigration protocol. Documents for hearings were drafted in June, but the meeting was postponed. Japan started a resettlement programme, which will continue for two more years. Six months after their arrival in Japan refugees are sent to local areas for integration into Japanese society. In September the MOJ will submit a new resettlement policy to the Ministry of Foreign Affairs.

In Korea there have been 4,500 refugee applicants since 1992, when Korea ratified the convention. Out of those, 300 are recognized and in general RSD recognition rates, conducted through MOJ, are no higher. The Refugee Network meets every month to keep each other updated on the latest developments. NGOs also organized a joint campaign during World Refugee Day 2011. The Refugee Law was approved in December 2011 and will be enacted in July 2013. An on-going issue of concern is the deportation of North Korean defectors by China, as well as the *refoulement* of a refugee from Uzbekistan. Refugee applications filed at the airport are also problematic since applicants are frequently refused and mistreatment in waiting rooms is reported. Additionally, NGOs cannot access asylum seekers in the airport to offer their support.

Hong Kong continues to use two systems: the Convention against Torture Procedure and RSD conducted by UNHCR. NGOs lobby UNHCR for more transparency on RSD since the recognition rate is low. In 2011, there were 790 applications out of which 39 have been recognized. A refugee concern network was launched in Hong Kong and NGOs sent a letter to the HKCE, but received no response. HK lawyers are paid by the government to provide legal aid to CAT cases but so far there has only been one recognized CAT claimant. Refugees in HK may be subject to detention lasting from two-days to three-months. After their release they are provided in-kind services by the HK govern-

ment through ISS (International Social Services).

In Taiwan, NGOs continue to push the government to pass the Refugee Act. The review system for individuals of Tibetan and Chinese descent will be opened soon. NGOs held a campaign for a Tibetan married to a Taiwanese, who was forced to leave Taiwan. Taiwan revised Article 38 of the Act to prevent long-term detention and is working on translating the RSD handbook.

From 2010 to 2012, APRRN members in East Asia conducted a variety of activities. The East Asia Symposium and Refugee Mental Health Training were held in Hong Kong in November 2011. There will also be an East Asia Symposium in 2012, which will be held in Taiwan in October. Interpreter training has also been conducted in Hong Kong, Korea and during the ARLAN meetings. APRRN members have conducted field trips to Taiwan, Macau and Mongolia to reach out to new members. JAR was able to meet with UNHCR Beijing on the issue of North Korean refugees. Only 200 asylum seekers are in their UNHCR database, but the actual number is believed to be much higher and UNHCR's role is still very limited.

**Some of the key recommendations/action plans include:**

Network development and information sharing:

- Look into refugee/civil society situations in unrepre-

resented countries (emphasis on China/Mongolia)

- Continue to strengthen network within represented countries (emphasis on Taiwan/Macau)
- Continue to seek opportunities to involve refugees in activities, and encourage refugee voices
- Seek opportunities for roundtables of refugee service providers locally/regionally (encourage collaboration)
- Translating and sharing relevant judicial precedents

Capacity building:

- Pursue further psycho-social support and training to build on the training held in HK
- Strengthen fundraising capacity with training, workshops, and sharing information and resources; and by engaging in joint fundraising initiatives
- Pursue access to high-quality, ethical, and professional interpretation programs
- EA detention workshop

Advocacy:

- Joint awareness raising around World Refugee Day
- Make best efforts to engage the government through advocacy, negotiation, lobbying, and collaboration
- Exchange draft legislation on refugee rights (draft bills from Korea/Taiwan) to improve and strengthen national refugee legislation
- Advocate for pilot resettlement programs elsewhere



## South Asia

Facilitator: Florina Benoit (OfEER, South Asia WG Chair)

South Asia has the largest number of refugees in the world, despite which only Afghanistan is a signatory to the 1951 convention. The region despite being a host to large number of refugees the conditions for the refugees are difficult. Most of the countries treat refugees as “illegal migrants” under the general immigration act. However, different countries have adhoc policies that differentiates between sets of refugees. Civil society in the region working on refugees is nascent. APRRN members have worked to improve the space for protection of refugees in the region.

In some countries in South Asia work is in progress on advancing national refugee law legislations (Nepal and India). A draft bill has been presented for consideration in Nepal, however, the political stalemate in Nepal has hindered the progress of the bill. APRRN members in Nepal are working hard to ensure that the once the political stalemate is resolved the bill could be considered by parliament. In India, the former Chief Justice P.N. Bhagwati drew up a ‘model law’ for India in collaboration with APRRN members, this bill was accepted by the government but has not been tabled before the parliament for enactment into law. This has been attributed to a lack of political will. Recently, however, India has an executive order that allows all registered refugees to avail of long term stay visas and the right to work in the private sector. This is a welcome step in the right direction.

APRRN hopes that changes in India in the positive direction would lead to other countries in the region to follow suit.

In Pakistan there is some work that is being done on a national refugee legislation and prevention of detention of refugees and asylum seekers. APRRN members in Pakistan are working towards using existing legal safeguards to enable greater protection but redefining the ambit of the safeguards to include refugees, asylum seekers and stateless persons.

In Sri Lanka a new lawyers group has been created who would provide legal aid to refugees and legal training is also being provided.

### Some of the key recommendations from the session include:

- The need for more advocacy on the Rohingya inside Bangladesh
- Looking at the existing domestic laws and constitution and see whether we could use that for advocating refugee rights
- Increased localized training opportunities. Separated training for judiciary and police forces on refugee rights and international protection.
- Engagement with international human rights mechanisms such as the Universal Periodic Review process. NGOs could work on one report together and then share
- Increased network building and outreach to those working on migrant issues
- Mapping exercise



## Australia and Pacific

Facilitator: Tamara Domicelj (Act for Peace Australia/ Australia & Pacific WG Chair)

Key issues of concern & discussion points:

New Zealand currently accepts 750 refugees per year (for what?) but is working on increasing this number. New Zealand has received criticism regarding the budget management for refugees and is also working on strategies to better manage and accommodate refugees.

In Australia different agencies and government departments have separate agendas, this makes collaboration difficult. The Australian humanitarian council needs to get more serious about protection by setting up a protection unit, a protection framework, a policy on protection and finally funding. Australia also needs to reach out to small NGOs in Papua New Guinea and the Pacific region. Australia decided to end separate legal regime for boat arrivals whose asylum claims were assessed in Australia. The Prime Minister formed an Expert Panel to research and present a way forward, which has a mixture of deterrence and increased protection elements. The Expert Panel's study has changed the dynamics of NGOs and put them in a stronger position to influence agenda. Protection has to be central to consideration and setting a regional protection framework is important

Some of the key recommendations/action plans include:

- Seek to expand working group membership, with a specific focus upon encouraging broader membership from New Zealand and engaging new members from PNG/Pacific states.
- Convene two sub-regional working group consultations: one in New Zealand and one in Australia. Consider inviting other APRRN members to attend, and providing opportunities for members to meet with relevant in-country government officials. Consider running capacity-building workshops in conjunction with consultations, including one on RSD.
- Monitor developments in relation to the 'Bali Process', the Regional Cooperation Framework and its Regional Support Office, and communicate these developments, along with likely ramifications, to the broader APRRN membership.
- Proactively seek opportunities to engage with other APRRN working groups and explore opportunities to foster connections between NGOs working on common issues across countries and sub-regions. Engage closely with any mechanism established by the APRRN steering committee to work towards a regional agenda on protection.
- Consider whether the working group/ APRRN might play a role with regard to monitoring or otherwise responding to the Australian government's removal of asylum seekers who arrive by boat to Nauru, PNG (Manus Island), or any other state.



## Southeast Asia

**Facilitators:** Veerawit Tianchainan (Thai Committee for Refugees Foundation/Southeast WG Chair); Vladimir Hernandez (Community and Family Services International/Southeast Asia WG Deputy Chair)

### Key issues of concern & discussion points:

#### Refugee Status Determination (RSD):

There is common concern that the only agenda item under 'Engagement with UNHCR' is organizing training for NGOs. Greater engagement with them is needed on more substantive issues such as adherence to procedural standards. Although UNHCR has conducted joint trainings with NGOs on RSD in Indonesia, this has not been replicated in Malaysia and Indonesia. There are significant differences between UNHCR offices in terms of RSD processes/procedural fairness. However, Geneva is unable to get local offices to comply with procedural guidelines. There is also a serious back-log in cases for UNHCR Malaysia – timeframe between approaching UNHCR and initial registration interview is increasing.

#### Regional Cooperation Framework:

Too little information is being shared with NGOs on what the RCF will entail. No one is very clear about the role of the Regional Support Office (RSO). Information available states that in the first 1-2 years the focus will be on research and then getting opinions from experts on what the RSO should be doing. This is where it is hoped APRRN can contribute to the process.

The APRRN Steering committee agreed to establish an ad hoc working group on RCF to help formulate strategies on how APRRN should engage with the RCF and in what areas. However, because it is not clear what the RCF is doing at this stage, this working group has not really been active.

There is also limited space for NGO engagement in the RCF and Bali process – having recognized that, discussions that APRRN are having so far are focused on what windows of opportunity are available for NGOs to increase space for engagement.

The recent Australian expert panel report pushes regional cooperation much further than the Australian government had ever considered before. Recommendations in the report are centred on much more NGO engagement with a greater focus on refugee protection. These have been accepted by the Australian government. APRRN will need to respond about what its level of engagement will be, and what its vision is for NGO role in regional cooperation.

Some of the key recommendations/action plans in-

clude:

#### Engagement with UNHCR:

- Advocate for UNHCR to train and/or build capacity of NGOs, including training of interpreters
- Advocate to UNHCR implementation of quality assurance initiative and compliance with procedural standards. NGOs need to find innovative and new ways of lobbying UNHCR to improve adherence to procedural standards
- APRRN members to document and share developments in RSD practices in different regions including (i) developments in UNHCR relations with NGOs (ii) breaches of, or improvements in adherence to, procedural guidelines (iii) protection challenges for specific refugee groups.
- Continue dialogue with country representatives, the Regional Hub and UNHCR Geneva
- Provide inputs to NGO Statement to ExCom and HC Structured Dialogue

#### Regional Cooperation:

- Monitoring issue and coordinating with other regional frameworks' – the action plan should go beyond monitoring and demand a seat at the table.
- Develop APRRN regional protection framework
- Monitoring and engagement with the Regional Support Office
- Map out capacity and training needs of member organizations, conduct training as appropriate
- 

#### Capacity building:

- Carry out Legal Aid Training (at least 1 for SEA), including sharing and documentation of legal frameworks that worked in SEA
- Carry out Refugee Mental Health and Psychosocial Services Training (at least 1 for SEA)
- Short course on refugees and statelessness
- Semester programme on refugees and statelessness
- 

#### Information sharing:

- Share tools, good practices, references and other resources
- Increase involvement of refugee communities

#### Statelessness:

- Better coordination between Malaysian APRRN members and with Rohingya community in Malaysia, and more targeted advocacy with Malaysian government
- Discuss country-level stateless issues in dialogues with key UNHCR units and actors
- 

#### Repatriation of Burmese Refugees:

- Strengthen links to CCSDPT and ensure that we are not duplicating work
- APRRN to develop a position paper on repatriation

and the criteria/ safeguards that we think should be put in place.

- Dialogue with donor countries on the practical challenges
- Engagement with the refugee community

## Thematic sessions

### Right to Health

**Facilitator:** Ashok Gladston Xavier (OfEER/ Right to Health WG Chair)

#### Key issues of concern & discussion points:

In Hong Kong and Bangkok, APRRN organized refugee mental health training, which was open to people who had some connection with psychosocial issues in region and those who wish to learn more. Further training will also follow in South Asia in 2013. In East Asia, APRRN was able to bring in well-experienced resource persons from US to provide training. In South-east Asia, APRRN was able to tap into local resources, with the hope of making training more contextual and rooted in the culture. APRRN needs to consider the contextual nature as well as designing training to cater to different professions – for those needing basic training (front line staff who have had no prior knowledge/training) & more advanced for those with more understanding & experience.

Some of the key issues that were identified during the training included the lack of organizations that are working on mental health care. There is also a lack of trained interpreters and a lack of coordination among service providers. The lack of access to refugees who need care the most (those in hiding) is another obstacle. Especially in East Asia, knowledge on mental health is very limited. Since the earthquake in Japan, there has been more awareness & people are accessing psychiatrists more. Medication is now more easily accessible, but more counselling is still needed. In Korea there is no NGO focusing on mental health. There is also very little knowledge on what health policies for refugees are included in other countries and sharing of this information would be useful. These challenges could be addressed through coordination, capacity building and training as well as awareness building and increased funding.

#### Some of the key recommendations/action plans include:

Advocacy:

- Evidence based advocacy: Include mental health as an issue when doing advocacy with governments and other agencies. APRRN also needs to lobby donors and UNHCR to put more funding into mental health programmes. Mental health should be included in general physical health.
- Increased awareness building

Capacity building:

- Training of Trainers – people to train people on a

local level and then follow-up support and training

- Staff exchange and mentorship programs
- Interpreter training
- Basic training for new organizations
- Training for UNHCR and detention staff as well as government officials to sensitize them to refugee issues

Network development and information sharing:

- Mapping exercise of all resources available to communities
- Research: more research needs to be done to understand how resettlement and protracted situations affect refugees
- Sharing of resources:
- Exchange of expertise – staff & fellows
- Plans, materials, toolkits, manuals
- 

## Women and Girls at Risk

**Facilitator:** Efterpy Mitchell (Centre for Refugee Research/Women and Girls at Risk WG Chair)

**Objectives set at APCRR:**

1. Output: situation for women and girls per country against set of 10 established indicators
2. 2012 – consolidate tools and partners
3. 2013 – undertake train-the-trainer sessions in region
4. 2014 – support of in-country consultations and information gathering
5. 2015 – advocacy with 5<sup>th</sup> World Conference on Women context

**Some of the key recommendations/action plans include:**

- Preparation for the 5<sup>th</sup> World Conference on Women (5WCW):
- Creating a country brief on the situation relating to refugee women and girls at risk:
- UNHCR Policies on Women and Girls at Risk
- Context of the refugee crisis in your country
- Measures for women and girls at risk:
  1. Individual documents (age, sex, status, demographics... etc.)
  2. Women in leadership
  3. Education
  4. Economic self-reliance
  5. Shelter
  6. Sexual and gender based violence
  7. Other forms of violence
  8. Health
  9. Sanitary materials
  10. Legal assistance

Refugee and Migrant Women's Dialogues: The Training of the Trainers will start in early 2013, the implementation of the dialogues will follow thereafter.



## Legal aid and advocacy

**Facilitators:** Medhapan Sundaradeja (Asylum Access Thailand, Legal Aid and Advocacy WG Chair)

### Country updates:

In Indonesia there are plans to expand the lawyer's network and also engage private lawyers. Refugee law should also be included in lawyer's education curriculum. NGOs will continue to promote a draft bill and work on immigration detention reform. There are also plans to lobby the government to provide free access for lawyers to refugees in detention. Engagement with university students was also highlighted in the session, but there are no concrete plans for setting up a legal aid clinic yet.

In New Zealand legal aid has been reduced and is not available for appeal. Significant cases came out and summary and updates of those would be useful.

In Malaysia there is improved awareness of human rights law and there has been some refugee law training done for NGOs. NGOs are also looking into trafficking and working with the US embassy on that. Only a few organizations have access to immigration detention. Conducting training for lawyers has been a failure since the interest has not been very high. Pro-bono lawyers look at migrant cases and not so much at refugee cases. NGOs are trying to reach out to international law firms and get them on board.

In Thailand the training for interpreters was more like an orientation programme and it would be useful to follow the training model of Dongcheon Foundation in Korea. Members in Thailand are also trying to find

ways to communicate with UNHCR and NGOs on the issue of legal representation.

The Cambodia caseload is very small (only 100 cases in total) and Cambodia has a domestic legislation in place. There are not many human rights lawyers and more resources are needed in regard to training and working with law schools.

In Nepal a lot of advocacy has been done on introducing refugee legislation. The same also applies for Pakistan, where advocacy on refugee law has just started and more needs to be done on legal training and the collection of case law.

### Some of the key recommendations/action plans include:

**Objective:** To strengthen the capacity of legal aid and advocacy organizations, sharing and coordinating the development of legal services, resources and precedents between organizations.

#### Capacity building:

- Training of interpreters
- Legal aid trainings for the various sub-regions – establish system to follow-up with trainings (e.g. through the website)

#### Network development and information sharing:

- More national regular meetings between legal aid providers to share information and see how collaboration can be achieved
- Sharing of best practices
- Sharing of jurisprudence on key areas such as *non-refoulement*, detention, right to work and right to legal aid/right to counsel
- Compilation of trainings materials



# Immigration Detention

**Facilitators:** Jong Chul Kim (APIL, Immigration Detention WG Chair), Grant Mitchell (International Detention Coalition, Immigration Detention WG Deputy Chair)

The two key priorities for the Immigration detention working group were

1. Ending detention by encouraging release, alternatives to detention and minimizing the use of detention
2. Improving conditions and protection and access to justice

These larger priority areas were contextualised at the sub regional levels which were broadly

- Advocating and developing alternatives to immigration detention (ATD)
- Expanding the campaign to end detention of children
- Improving access and monitoring

The IDWG has moved considerably in the last year with regard to the priorities set.

The IDWG conducted three sub-regional consultations on detention, namely South Asia, Southeast Asia and East Asia. IDWG hosted a regional detention workshop in Kuala Lumpur in 2011.

As a result of the work of APRRN members and the IDWG, in 2011 -12 Japan released all juvenile immigration detainees, Thailand in 2012 has recorded the lowest number of immigration detainees in decades. Indonesia is working with civil society groups to work on a standard operating procedure for refugees that would hopefully prevent immigration detention of refugees and asylum seekers.

While considerable progress has been made more needs to be done.

Grant Mitchell outlined some of the tools developed.

The IDWG developed the following tools in collaboration with the International Detention Coalition. These were the

Legal framework on immigration detention

- Detention monitoring and psychosocial training material
- Alternatives to Detention Handbook
- Campaign materials to end the immigration detention of children

Looking forward the IDWG will be hosting a regional workshop in Bangkok in October 2012, followed by an East Asia symposium in Taiwan in partnership with the National Immigration Authority. The Malaysia Children's campaign month that highlights the need to end the detention of children will be launched.

IDWG will develop a detention monitoring model for East Asia taking into consideration the specificities of East Asia and reflecting the engagement with authorities and refugee communities in the region.

The advocacy for national legislations in South East Asia will continue, as well as the reform and expansion of existing legislation to provide greater protection for refugees.

## Concluding Plenary Session

Moderator: Dr. Gopal Krishna Siwakoti (APRRN Deputy Chair / INHURED International)

Speakers:

- Pill Kyu Hwang (APRRN Chair / GONGGAM)
- Anoop Sukumaran (APRRN Coordinator)
- Ho Taeg Lee (The Refugee P'nan)

Pill Kyu Hwang thanked the participants for a very fruitful APCRR4. He noted the tremendous growth of the network both in terms of numbers as well as the involvement of members. He was particularly thankful to the founders of the network, who had the vision to create the network and bring together groups from all over the Asia Pacific region on an issue that was in relative obscurity in the region.

Anoop Sukumaran, in his closing remarks highlighted the role of APRRN as a network in strengthening refugee voices in the region. He underlined the increasing momentum for the refugee rights movement, which has been in great part to efforts of APRRN members at the local levels.

He thanked the host organisations in Korea for the effort that was put into making the APCRR4 a success. He thanked the volunteers and the APRRN secretariat team for their commitment. The steering committee was praised for their support, dedication and vision. Ho Taeg Lee in his remarks was pleased that the APCRR4 was held in Korea. It was a great experience for Korean civil society and an incredible opportunity for Korean Civil society to interact with a diverse group of organisations and people. He thanked the organisers and the APRRN secretariat.

