NGO Statement on General Debate

Agenda Item 3(a)

Madame Chair, Ladies and Gentlemen.

This statement has been drafted in consultation with, and is delivered on behalf of, a wide range of NGOs and aims to reflect the diversity of views within the NGO community.

In recent months NGOs have observed dozens of situations involving state abuses against, and state’s failure to protect the rights of, hundreds of thousands of persons of concern to UNHCR. This statement summarises some of the most pressing situations covered in a 30 page written statement available at the back of the room an online at https://www.icvanetwork.org/standingcommitteejune201.

The written statement refers to many other countries and includes concrete recommendations in relation to all the points mentioned in this shortened oral version.

1. Countries of particular concern

a) Australia: Between August 2012 and late April 2013, Australia transferred 700 people arriving irregularly by boat to be detained in the Republic of Nauru and on Papua New Guinea's Manus Island. Doctors say inadequate health services for detainees on Manus Island put children's lives at risk and all detainees have limited access to lawyers to help with their asylum claims. To-date, none have had their claims adjudicated. Since August 2012, Australia has also used an “enhanced screening” procedure, which violates basic due process rights such as the right of appeal, to reject 1,000 Sri Lankan asylum claims.

b) Egypt: Since 2010, NGOs have reported on widespread and serious trafficker abuses in Egypt’s Sinai Peninsula against Eritrean and other sub-Saharan nationals. In late 2012, NGOs documented Egyptian law enforcement collusion with traffickers. Egypt has taken no steps to investigate the Sinai abuses and to hold traffickers and colluding police and military officials to account. Trafficking victims who are released by, or escape from, their captors continue to be detained in inhuman and degrading conditions, without access to medical care or UNHCR.

c) Greece: Recent Greek police sweeps unlawfully targeted 85,000 people taken to police stations on the basis of race or ethnicity, resulting in arbitrary detention. Greece has made little progress in implementing recent legislative reforms aimed at improving its dysfunctional asylum system, including inhuman and degrading detention conditions. Greece’s fence on part of its border with Turkey has forced back asylum seekers and the Greek coastguard has forced boats back to Turkey.

d) Israel: Israel’s draconian approach to asylum seekers remains unchanged. Most recently, Israel has threatened almost 2,000 detained Eritrean and Sudanese nationals—including over 1,000 who have claimed asylum—with prolonged detention to pressure them to leave the
country. Senior Israeli officials have said that Israel plans to return about 35,000 Eritreans and about 15,000 Sudanese nationals living in Israel’s cities to an as yet unnamed third country without first allowing them to claim asylum, which would contravene recent UNHCR Guidelines to States on transfer arrangements for asylum-seekers.

e) Kenya: Between November 2012 and January 2013, Kenyan police in Nairobi unleashed three months of torture and other abuse against mostly Somali and Ethiopian refugees. To-date there has been no investigation into the abuses, let alone accountability for officers committing them, and UNHCR remained silent during and after the abuses. Despite a January 23, 2013 Kenyan high court order for Kenya to suspend a plan to force 55,000 urban refugees and asylum seekers into camps, registration and most urban services remain suspended. Kenyan officials continue to make statements indicating they will soon push Somali refugees to return to their country, which remains wracked by violence and insecurity.

f) Myanmar: Over the past year, conflict in Rakhine state between Buddhists and Muslim communities has displaced at least 140,000 Rohingya and Kaman Muslims who now live in extremely poor conditions threatening their health and well-being. Authorities have restricted their movement to official and unofficial IDP camps, depriving them of the opportunity to work, access to emergency health care and education, and rendering them entirely dependent on aid. Yet the authorities have also severely limited aid agencies access to IDPs.

g) South Africa: South Africa’s increasingly regressive asylum policies include preventing asylum seekers from entering if they come from or passed through a country South Africa says is safe; blocking all undocumented Zimbabwean asylum seekers at the border; refusing asylum seekers access to refugee reception offices (RROs) on spurious grounds; refusing to abide by three court rulings ordering the authorities to re-open three RROs closed in the past two years, and moving forward with plans to move all urban RROs to remote border areas. South Africa has also taken few concrete measures to prevent and prosecute xenophobic crimes against refugees and asylum seekers, which have recently flared.

h) Thailand: Since June 2012, Thailand has repeatedly failed to protect Rohingya asylum seekers from Myanmar arriving in boats, which the Thai navy regularly intercepts. It hands over food, water and other essential items, and then forces the boats to sail onwards. One of these boats was rescued by the Sri Lankan navy after the majority on board had already died. When boats manage to reach Thailand, officials have allowed some to disembark their passengers, but since early 2013 Thai officials have handed some Rohingya to traffickers who abuse them on route to Malaysia. As of early June 2013, Thailand was also detaining about 2,000 Rohingya in overcrowded detention centers and denies them access to UNHCR.

i) Sudan: Throughout 2012 and the first five months of 2013, Sudan continued its policy of indiscriminate aerial bombardment of civilian areas in Southern Kordofan and Blue Nile states and of blocking almost all humanitarian aid by local and international aid agencies to an estimated 1 million IDPs there, leading to food shortages and other urgent needs. Since early 2013, conflict has displaced 270,000 people in Darfur. Sudan continues to restrict aid worker movement in Darfur, thereby hindering efforts to adequately assist 1.4 million IDPs.

2. Syrian refugees: As of mid-June 2013, UNHCR and host governments had registered almost 1.6 million Syrian refugees across the region. The scale of the crisis in Lebanon and Jordan has placed national systems and many local communities—which host the 75% of refugees who do not live in camps—under severe strain, requiring a response that addresses the needs of host communities and refugees together. Despite taking in hundreds of thousands of people, Jordan, Turkey and Iraq have all partially and at times entirely closed their borders since mid-2012, which amounts to refoulement.
3. Other issues covered in NGOs’ written statement

NGOs’ written statement addresses a number of other issues, including but not limited to retrogressive asylum legislation in Canada, Ecuador and the United States, arbitrary detention in Indonesia and Malta, regressive asylum procedures in Iran and Ukraine, funding crises and shortcomings in UNHCR’s response in eastern DRC and Mali and the need for UNHCR to strengthening its protection work in Mali and Sri Lanka, and a possible reduction in assistance to and protection of hundreds of thousands of IDPs in Somalia.

The statement also highlights three thematic issues addressed in UNHCR’s Note on International Protection. The Note refers to direct and indirect refoulement by a number of States and we urge States to end refoulement and UNHCR to help prevent it, including by reinforcing its registration and RSD functions. The Note refers to the dramatic increase in the number of IDPs worldwide and we urge States to respect the Guiding Principles on Internal Displacement and UNHCR to reinforce its resources and work on behalf of IDPs. Finally, we echo UNHCR’s support for the implementation of state pledges made during the December 2011 Ministerial Intergovernmental Commemoration of the 1951 Refugee and 1961 Statelessness Conventions.

Thank you Madame. Chair.