

Asia Pacific Refugee Rights Network Vision for Regional Protection

Explanatory Note

Background

The Asia Pacific Refugee Rights Network (APRRN) is a growing civil society network of over 200 members, predominantly civil society organisations, which are committed to the advancement of refugee rights across the Asia-Pacific region, via information-sharing, mutual capacity building and joint advocacy. APRRN was founded in 2008 and now has members based in 26 countries, spanning New Zealand through to Iran and across to Japan. APRRN members work across four geographic working groups and five cross-cutting thematic working groups (women and girls at risk; legal aid and advocacy; immigration detention; right to health; statelessness). APRRN is supported by a small Secretariat based in Bangkok and led by a member-elected Steering Committee.

During the 4th Asia Pacific Consultation on Refugee Rights (APCRR) in August 2012, APRRN members called upon the Steering Committee to guide the development of an APRRN-led Vision and Framework for Regional Protection (AVFRP). The background section of the Vision sets out the impetus for this initiative. APRRN considers that the following characteristics, amongst others, will be critical to its success: a solutions-orientation and foundation in existing good practice; a live and collaborative process, open to all interested actors wishing to engage in the process in good faith; a rights-based approach; continuous learning; and sustained commitment by key stakeholders over the medium and longer term.

This explanatory note seeks to provide a brief overview of the structure, scope and processes relating to the AVFRP, and the basis for some of the content decisions made in drafting the Vision – specifically, inclusions and exclusions, and key terminology used.

Structure and scope

The AVFRP will comprise a Vision for Regional Protection (the Vision), a Plan of Action (PoA), and a Research and Consultation Strategy (RCS).

The Vision sets out APRRN's vision for the region over the next ten-to-twenty years. It is a Vision that we believe is attainable. Notably, the scope of the Vision extends beyond APRRN's core mandate – the advancement of refugee rights in the Asia-Pacific; it is APRRN's Vision, but its realization will require the active engagement of other key actors, and multi-sector collaboration.

The PoA will set out what needs to be done by key actors in order for the Vision to be realized. Commitments made by APRRN within the PoA will align with our mandate and Strategic Plan. APRRN will consult widely with civil society, academics, UNHCR, other Inter-Governmental Organisations, and States in drafting the PoA, which will be developed in multi-year cycles.

The RCS will be a live document and process, identifying challenges, opportunities and good practices, guiding research and further consultation, and directly informing the development of the PoA, and any future amendments to the Vision.

‘Zero drafts’ of the PoA and RCS are currently being developed and will be circulated through our networks. Engagement in the development of these documents and any further comments on the Vision are welcome at any time from all interested parties. To receive updates or provide comments please email regionalprotection@aprrn.info .

Process

As noted, APRRN considers the process adopted in relation to the AVFRP to be key to the success of the whole initiative. Cross-sector and transnational collaboration, constructive dialogue and mutual learning are central to our vision for the region and we aspire to model these traits throughout our process.

Following the 2012 call for the development of an AVFRP, APRRN launched a consultation draft of our Vision at the 2013 annual UNHCR-NGO consultations in Geneva. The consultation draft was the product of detailed deliberations amongst APRRN members.

Over the following months we received comments and feedback (much of it extremely detailed) from hundreds of civil society and UNHCR colleagues world-wide. We have been much gratified by this response and extend our thanks to all who have taken the time to provide their views. We are delighted that respondents have overwhelmingly viewed this as a valuable and timely initiative.

All comments received have been considered and discussed in our redrafting process, and most suggested text amendments have been accepted, enriching the document. As with any consultation process, some of the feedback received was contradictory, and some matters proved controversial. All of the feedback received was constructive, and much prompted us to consider issues from a new vantage point, and with greater depth.

The Vision has been conceived as a ‘living document’ – and will be subject to periodic review, at least biannually at APCRRs.

Content

The following section seeks to explain drafting decisions which we have made in relation to key points, as well as the intended meaning of terminology which we have used (where this may differ from other definitions or may not be self-evident). It is not comprehensive, and we welcome any enquiries as to the Vision’s content and the rationale for decisions which we have made.

Key terminology

- **Civil society organisations (CSOs)** is the umbrella term used in the Vision to include community-based organisations (CBOs), non-government organisations (NGOs) and faith-based organisations (FBOs).
- **'Effective' protection** is used to refer to genuine protection (not to a lesser standard of protection – a meaning which has been ascribed to this phrase elsewhere).
- **'People in need of protection'** is the umbrella phrase used in the Vision to refer to all categories of people who we have decided to include within its scope, namely: refugees, asylum seekers, torture survivors and complainants, trafficked persons, internally displaced persons (IDPs), stateless persons and returnees. It includes people displaced by conflict, persecution and other forms of human rights abuse, and stateless persons in situ, who are in need of protection (but not in all cases international protection). We are mindful that the phrase 'people in need of protection' could be used to refer to far broader categories of people. Our intended meaning is as set out above: we have used quotation marks throughout to make this clear.
- **Registration** adopts the definition used in UNHCR's Urban Refugee Policy: "Registration provides documentation, protection against *refoulement*, access to basic rights, the identification of those with urgent and specific needs, the pursuit of reunification of refugee families and durable solutions."
- **Returnees** includes former refugees who chose to pursue voluntary return as a durable solution *and* people found not to be refugees or otherwise owed international protection (whether or not their status determination was sound) who have returned voluntarily or been forcibly returned. It also includes IDPs who have returned to their area of origin, voluntarily or involuntarily.
- **Stateless persons** includes those in a migratory context and those in situ (despite the Vision predominantly relating to displaced persons).
- **Status determination procedures** is used to refer to refugee status determination procedures, statelessness determination procedures, and procedures that may be used to make complementary protection determinations.
- **Torture survivors and complainants** includes persons at risk of torture should they be returned as well as those who have survived torture.

Inclusions and exclusions

- As noted above, we have decided not to include people displaced by climate change, natural disasters and development within the scope of this Vision, despite recognizing that people in these circumstances are generally in need of protection, and also that the distinction between them and people displaced by conflict, persecution and other forms of human rights abuse is often and increasingly blurred. The primary rationale for this exclusion is containment of scope. We recognize the importance of collective action to address the protection needs of displaced persons not currently included within the scope of the Vision, and it may be that we revisit this decision in future iterations of the Vision.
- We have included IDPs within the scope of the Vision, where their displacement is due to conflict, persecution or other human rights abuses, due to the scale of this

issue in the region, and the slim distinction which often exists between an IDP and a refugee. A minority of APRRN members work to support IDPs, however it is not an area on which APRRN has focused as a network. This decision was much debated and ultimately made on the basis of the majority view.

- We have included all returnees within the scope of the Vision on the basis that protection may be needed upon return irrespective of whether people have been found to be refugees or otherwise in need of international protection, and of whether their return is voluntary or forced.
- We have included trafficked persons within the scope of the Vision due to the scale and importance of this issue in our region, and the need for protection of trafficked persons irrespective of whether they are also refugees.
- The prevention and reduction of statelessness has been included within our Vision as a sub-set of 'protection', notwithstanding our recognition that these are differentiated areas within the mandate of UNHCR.
- We have included reference to the use of detention as a 'last resort' on the basis that this is permissible under international human rights law in certain specific circumstances, in the individual case, relating to the protection of public order, public health or national security.
- While not made explicit within the text of the Vision, we note that services referred to in the Vision should be provided free of charge in order to ensure full accessibility.