AICHR BRIEFING NOTE ON FORCED MIGRATION IN ASEAN: PROTECTING RIGHTS, BUILDING RESILIENCE, AND ADVANCING RESPONSIBILITY-SHARING

Introduction

The ASEAN Intergovernmental Commission on Human Rights (AICHR) issues this Note in recognition of the scale, urgency, and complexity of forced migration across the region. It draws on, among others, AICHR's thematic study "Migration Management for the Most Vulnerable Groups within ASEAN", reflections and inputs from AICHR's consultations (such as on the right to development), and the work of stakeholders on the issue around the region, as well as concerns regarding forced displacement in the region.

This document is offered in a spirit of shared reflection and constructive dialogue, consistent with AICHR's mandate under paragraphs 4.1, 4.3, 4.8, 4.9, and 4.11 of the Terms of Reference

Forced displacement in Southeast Asia is driven by conflict, persecution, statelessness, environmental stress, climate change, and structural inequalities in development. The ongoing conflicts inside and outside the region remain one of the primary drivers of forced migration with protracted displacements of countless refugees and asylum seekers. Forced migration and the right to development are inextricably linked, functioning as both cause and consequence of one another in a mutually reinforcing cycle. When people are forcibly displaced for whatever reason, it negatively infringes on their right to development and has long-term impacts. Forced displacement is rarely a discrete event; it arises from the structural denial of development itself — the failure of states and the international community to guarantee political stability, economic opportunity, and human security to all persons. Further, the sharp contraction in international humanitarian funding has significantly worsened conditions for displaced people across the region. These reflect deep, structural challenges that require sustained, principled, and coordinated responses.

AICHR is guided in this position by *ASEAN 2045: Our Shared Future*, adopted at the 46th ASEAN Summit in May 2025, which commits ASEAN to building a "resilient, innovative, dynamic, people-centred ASEAN" that is "empowered in responding to future crises and long-term challenges." ASEAN identifies migration, widening development gaps, natural disasters, and the inclusion of vulnerable and marginalised groups among seventeen megatrends shaping ASEAN's future. ASEAN will "ensure the full potential and improve the quality of life for its peoples that is participative, inclusive, sustainable, and promotes social cohesion, hereby

ensuring shared prosperity, especially among vulnerable groups, and leaving no one behind." Forced migration sits at the heart of this commitment to inclusion and must be understood as a cross-cutting concern across all of ASEAN pillars.

AICHR reaffirms Articles 4, 14 and 16 of the ASEAN Human Rights Declaration 2012. The rights of women, children, the elderly, persons with disabilities, migrant workers, and vulnerable and marginalised groups are an inalienable, integral and indivisible part of human rights and fundamental freedoms. No person shall be subject to torture or to cruel, inhuman or degrading treatment or punishment. Further, every person has the right to seek and receive asylum in another State in accordance with the laws of such State and applicable international agreements.

While AICHR's thematic study focused on labour migration, its findings and recommendations are directly relevant to the broader forced migration context. The study found that there is no single solution that works in all situations for all people — a recognition that should shape the region's approach to forced migration governance just as it shapes labour migration policy. What is essential, the study concluded, is the promotion of policies that place the individual at the centre of migration governance and management, and that take into account differentiated vulnerabilities based on gender, age, health, and legal status.

I. The regional landscape: Displacement, vulnerability, and the limits of existing responses

The scale of displacement in and around Southeast Asia is substantial and growing. In 2025 alone, ASEAN Member States officially host approximately 240,000 refugees, 70,000 asylum seekers, 4.4 million internally displaced persons, and 1.3 million stateless individuals — though unofficial numbers are estimated to be considerably higher.[1] In 2026, refugees and asylum seekers from Myanmar account for approximately 90 per cent of the registered refugee population in Malaysia and 94 per cent in Thailand.[2] Beyond ASEAN borders, more than one million Rohingya refugees live in protracted exile in Bangladesh. Some of the refugees and asylum seekers have lived in these host countries for numerous years. These figures reflect not a temporary emergency but a protracted regional reality.

The humanitarian situation has deteriorated markedly over the past year. Maritime journeys across the Andaman Sea have become among the deadliest in the world, with 2025 recorded as the worst year on record for Rohingya refugees attempting sea crossings.[3] Approximately one in seven who attempt the journey do not survive.

[1] UNHCR, 2025, Refugee Data Finder, March.
[2] UNHCR, 2026, Figures at a Glance in Malaysia, April 9; UNHCR Thailand, 2026, Refugees.
[3] UNHCR, 2026, 'UNHCR: 2025 was deadliest year yet for maritime movements of Rohingya refugees', 17 April.

In Bangladesh, cuts to humanitarian funding saw the World Food Programme reduce food rations to as little as US$6 per person per month by April 2026.[4] Along the Thai-Myanmar border, the Border Consortium, the primary provider of food assistance to refugees living along the Thai-Myanmar border for over 40 years, announced in early 2026 that it would need to end aid provision to 80 per cent of families.[5] Suicide rates in the Tak Province camps are also estimated at four times the level of surrounding host communities.[6] These are human consequences of policy gaps that the region has the capacity to address.

Immigration detention is also a key challenge. Such detention, some for an indefinite period, has become a default response in migration policy across ASEAN where people are often detained in poor conditions for prolonged periods of time. Child detention, in particular, is against international law, and global momentum has been to move away from the use of detention for children.

A distinctive and rapidly escalating challenge is the trafficking of people into forced criminality through online scam operations. The United Nations Office of the High Commissioner for Human Rights (OHCHR) estimates that at least 300,000 people from 66 countries[7] have been drawn into such "scam workforces". One of the most troubling aspects of this phenomenon, identified also in AICHR's thematic study, is the consistent failure to identify and protect victims; people who escape these operations frequently face prosecution as perpetrators of immigration violations or online fraud, rather than being recognised as victims of trafficking entitled to protection and support.

AICHR's thematic study further identified nine challenges in labour migration management across the region, several of which are directly pertinent to the context of forced migration. These include: (i) the lack of uniformity in migration policies across ASEAN Member States, which prevents more synchronised and coordinated responses; (ii) the gap between policy commitments and implementation on the ground; (iii) the lack of identification system for migrant workers, especially in the case of irregular migration; and (iv) the insufficient recognition and cooperation of non-state actors in policy design and implementation. Each of these challenges is magnified in the forced migration context, where people lack the legal status and institutional recognition that even documented migrant workers can access.

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[4] Pradipto Vaskar Rakshit, 2025, 'WFP cuts Rohingya food assistance: What does losing $6.50/month mean?', *Humanitarian Practice Network,* 21 March.

[5] The Border Consortium, 2025, 'Public Statement: Reduction in food support to refugees', 31 March.

[6] MoFA, UNHCR, CCSDP, TMR, 2025, 'Multistakeholder consultation on strengthening self-reliance for displaced persons', Summary Report, 19 December.

[7] OHCHR, 2026, *A Wicked Problem: Seeking human rights-based solutions to trafficking into cyber scam operations in South-East Asia*, p.8.

Policies to address these challenges have historically been fragmented and ad hoc.[8] Most of the states hosting the largest numbers of displaced persons are not signatories to the United Nations Convention relating to the Status of Refugees 1951 (Refugee Convention), meaning that protection is offered — where it is offered — through domestic administrative discretion rather than binding legal frameworks. Without national consistency or a regional protection architecture, the burden falls disproportionately on frontline states and on civil society organisations that often operate with minimal resources and without formal recognition.

II. The case for rights-based approaches to livelihoods and self-reliance

A defining feature of the current moment is the erosion of the international funding model that has historically underwritten humanitarian responses in the region. As this model becomes less reliable, there is growing recognition across governments, international organisations, and civil society of the importance of developing approaches that enable displaced people to support themselves through access to formal employment, vocational and life skills training, and economic participation. This shift aligns with AICHR's finding that effective migration management requires a rights-based approach that ensures access to rights and takes into account differentiated vulnerabilities — including those based on legal status.

There are genuine reasons for encouragement. Individual governments are taking bold steps. Thailand's right-to-work policy for border camp refugees demonstrates that practical, rights-protective, and mutually beneficial approaches to displacement governance are achievable within ASEAN's political context.[9] Thailand's significant reduction of statelessness in 2025 is another example of national policy innovation.[10] Following Thailand's announcement that long-staying refugees from Myanmar living at the Thai-Myanmar border would be permitted to work legally, approximately 5,500 refugees had found employment by June 2026, with the United Nations estimating that between 10,000 and 20,000 more stand to benefit over the coming year.[11] The policy has been accompanied by the issuance of non-Thai identification cards providing refugees with a 13-digit identification number — a foundation for legal identity that supports access to formal employment, banking services, and SIM card registration.[12] Integrated recruitment hubs have been established to connect refugees, employers, and government agencies, and standard operating procedures

[8] Asia Dialogue on Forced Migration Secretariat, 2024, *From Crisis to Collaboration,* 29 April.
[9] Thailand Public Relations Department, 2025, 'UNHCR commends Thai Government for allowing Myanmar refugees to work legally in Thailand', 27 August.
[10] UNHCR, 2025, 'Thailand resolves legal status of over 100,000 stateless people', 19 December.
[11] Reuters, 2026, 'Thai jobs for Myanmar refugees could show way forward for Asian nations, says UN', *Bangkok Post,* 9 June.
[12] UNHCR, 2026, 'UNHCR welcomes Thailand's move to issue identification cards to refugees in temporary shelters', 15 May.

have been developed, reviewed, and progressively refined.[13] The Thai approach reflects the kind of phased, structured, and multi-stakeholder implementation characteristic of a good migration management practice.

Malaysia has taken steps toward reforming its treatment of refugees. Children have been moved from adult immigration depots to *Baitul Mahabbah* centres, while a new government-run biometric refugee registration system – *Dokumen Pendaftaran Pelarian* (DPP) – has been piloted[14]. DPP holders are planned to eventually have access to formal employment.

The Philippines has developed a small but thriving pathways to allow Rohingya refugees to study at universities in the country.[15] The programmes has so far enabled 25 refugees to move to the Philippines from Malaysia and Bangladesh, and the first cohort of students is in the process of graduating and moving to paid employment. This effort is further supported by the Philippines' whole-of-government approach to the protection of refugees, including but not limited to documentation, legal assistance, health and welfare assistance, education and skills training, practice of profession, employment and livelihood, and local integration.

Indonesia has also made significant progress towards alternatives to detention. A 2018 circular from the Directorate General of Immigration exempted refugees and asylum seekers from immigration detention, restoring detention centres to their intended purpose and aligning with Presidential Regulation No. 125/2016, which provides for refugees to be accommodated in designated community shelters. Further, a 2019 circular from the Ministry of Education, Culture, Research and Technology also enabled refugee children to access formal education.[16]

The economic dimensions of this approach are well supported by evidence. AICHR's thematic study found that properly managed migration generates benefits for individuals, societies, and states in both origin and destination countries. Labour migration, when regulated and rights-protective, contributes to economic growth, addresses unmet labour demand, and supports household welfare through remittances. A 2026 study found that the 4.1 million Myanmar nationals living in Thailand contribute an estimated US$6.7 billion annually to the Thai economy through their spending.[17] Thailand's own economy relies on migrant labour for

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[13] MoFA, UNHCR, CCSDP, TMR, 2025, 'Multistakeholder consultation on strengthening self-reliance for displaced persons', Summary Report, 19 December.
[14] Bernama, 2026, 'KDN laksana program dokumen pendaftaran pelarian urus isu secara tersusun', *Astro Awani*, 13 June.
[15] UNHCR, 2025, 'New batch of refugee scholars arrive in the Philippines through Complementary Pathways programme' 8 July.
[16] Government of Indonesia, 2026, 'Report on the implementation of the Global Compact for Migration in Indonesia' for submission to the International Migration Review Forum (IMRF) 2026.
[17] Myo Pyaw, 2026, 'Myanmar migrants in Thailand emerge as $6.7 billion consumer market', *The Irrawaddy,* 26 May.

approximately 10 per cent of its total workforce, and as much as 80 per cent in some sectors and provinces.[18] These are not arguments for the commodification of migrants, but for the recognition that when people in irregular situations are enabled to participate in the formal economy with appropriate protections, the benefits are mutual. Indeed where people are able to contribute formally to the economy they are able to fully realise their right to development and right to peace.

Safe, regular, and streamlined pathways for migration are therefore an important component of this approach. When migration pathways are accessible and efficient, they can reduce unnecessary administrative burdens that may delay or impede access to regular migration and lessen migrants' reliance on dangerous or irregular routes. Pathways should be designed in a manner that upholds human dignity and protects the rights and well-being of migrants.

At the same time, AICHR's thematic study makes it clear that access to livelihoods must be accompanied by robust safeguards. Access to formal employment without adequate legal frameworks, labour protections, and grievance mechanisms can create new vulnerabilities rather than reduce existing ones. People who cannot legally work are pushed into informal and often exploitative arrangements; regularisation reduces these risks. Equally, host communities must be engaged — not as passive recipients of policy decisions but as active participants in designing approaches that benefit them alongside displaced populations. People living near refugee communities are more likely to hold positive perceptions of refugees than those in urban centres,[19] suggesting that place-based engagement and community communication can shape social cohesion in positive ways when done thoughtfully.

III. Private sector partnership

The private sector has an important and underutilised role to play in this agenda. AICHR's thematic study noted that, beyond government and civil society, employers — including local and small- to medium-sized enterprises — are central actors in migration management systems. They are often the primary employers in the communities where displaced people live and work, and they have both an interest in and a capacity to contribute to ethical recruitment, skills development, and employment pathway programmes. The 271 pledges made by private sector entities at the 2023 Global Refugee Forum represent a useful starting point for more structured engagement.[20]

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[18] IOM, 2026, *IOM Thailand Strategic Plan for Cross Border Flows from Myanmar: January to December 2026*, p. 5; International Monetary Fund, 2026, *Regional Economic Outlook: Asia and the Pacific*, April.

[19] Malee Sunpuwan and Sakkarin Niyomsilpa, 2012, 'Perception and Misperception: Thai Public Opinions on Refugees and Migrants from Myanmar', *Journal of Population and Social Studies*, vol. 21, pp. 47-8.

[20] UNHCR, 2026, Pledge Dashboard.

Equally important is the continuous support from the private sector to encourage and facilitate emerging and vital energy in finding responses to refugee needs. Private companies, foundations and philanthropists play significant role in fostering strong partnerships to make a difference for millions of refugees, stateless people and displaced people across ASEAN Member States.

IV. Regional cooperation and the shared responsibility framework

The question of how responsibility for displaced populations is shared — across ASEAN Member States, and between ASEAN and its Dialogue Partners — lies at the heart of what a sustainable regional response to forced migration, development and peace must look like. AICHR's thematic study found that the lack of uniformity in migration policies across Member States has prevented more synchronised and coordinated responses to migration challenges. This observation applies with equal or greater force to forced migration, where the absence of regional frameworks means that individual states manage displacement largely on their own terms, with significant variation in standards, practices, and levels of protection.

ASEAN already maintains extensive cooperation across areas directly relevant to forced migration. The ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers 2017 provides a framework for rights-protective labour migration governance that could, with appropriate adaptation, inform approaches to displaced populations already residing within Member States. The legally binding ASEAN Convention Against Trafficking in Persons, Especially Women and Children 2015 (ACTIP) provides a foundation for counter-trafficking cooperation that needs to be consistently implemented and extended to address new forms of trafficking such as forced criminality in cyber scam operations.

AICHR's thematic study observed that ASEAN's emphasis on sovereignty and non-interference has historically led to a reluctance to address migration issues collectively and substantively from a human rights perspective. At the same time, the study recognised that ASEAN — both collectively and through individual Member States — has come a long way in establishing migration management infrastructure, and has increasingly sought to embed human rights-based approaches within it. The growing discussion of a norm of "non-indifference" in ASEAN contexts, and the practical steps that some ASEAN Member States have taken to improve conditions for displaced people, suggest that this trajectory can continue. The challenge is to translate national good practices into shared regional standards over time, in a manner that respects national sovereignty while building the coherence and predictability that displaced people and frontline states need.

The Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, approaching its 25th anniversary in 2027, represents a complementary regional architecture with which greater alignment is both possible and desirable. All ASEAN Member States and ASEAN Dialogue Partners are members of the Bali Process, creating natural opportunities for coordination and de-duplication. This is particularly relevant in the areas of maritime mixed movements, trafficking for forced criminality, and the development of protection-sensitive border management approaches. The Bali Process Regional Support Office's establishment in 2026 of a Maritime People Smuggling Response Group within its Regional Information, Liaison and Outreach Network is a concrete step in this direction.

The ASEAN Declaration on Promoting the Right to Development and the Right to Peace Towards Realising Inclusive and Sustainable Development 2025 embeds the United Nations Declaration on the Right to Development 1986 and commits ASEAN governments to strengthen national and regional measures to ensure the active and meaningful participation and contribution of all peoples of ASEAN in the development process without leaving anyone behind, including those in vulnerable situations, and to empower them to participate and contribute equitably and effectively to realise their full potential. The importance of advancing partnerships and co-operation in the pursuit of the right to development and peace is also reiterated. The Declaration frames development not merely as a domestic policy goal, but as a shared global responsibility, rooted in the recognition that development gaps are often structurally produced through colonial legacies, unequal trade relations, and asymmetric access to capital and technology.

When conflict, persecution, statelessness, and structural inequality force people to flee, this signals a prior failure of development — an inability of the state of origin to realise the active and meaningful participation of all its peoples. Once displaced, forced migrants experience a second-order denial of the right to development: excluded from formal labour markets, education, health systems, and legal identity, they are structurally prevented from contributing to and benefiting from development processes in host states, perpetuating cycles of poverty, informality, and marginalisation across generations. This dual dynamic justifies characterising forced migration not merely as a humanitarian or security concern, but as engaging the right to development in its own right: where states of origin fail to prevent the conditions that produce displacement, and where receiving states or the international community fail to extend the active and meaningful participation the ASEAN Declaration on Promoting the Right to Development and the Right to Peace Towards Realising Inclusive and Sustainable Development 2025 envisages, both the right of origin communities to develop in place and the right of displaced persons to develop in exile are undermined.

These dynamics are not evenly distributed across ASEAN, but concentrated in identifiable hotspots shaped by overlapping vulnerabilities. Myanmar remains the primary generator of forced displacement in the region, with conflict and persecution driving both cross-border flight and millions of internally displaced persons living in neighbouring countries. The Thai-Myanmar border, where camps have existed for decades, represents a hotspot of chronic, compounding vulnerability. Border areas of the Mekong subregion have also emerged as hotspots for trafficking into forced criminality through cyber-scam operations, where displacement, statelessness, and weak documentation create acute vulnerability to exploitation. Mapping these hotspots against development indicators — funding gaps, legal status, and access to services — allows ASEAN to move from a fragmented, ad hoc response toward one that identifies where the right to development is most acutely at risk, and where regional cooperation and responsibility-sharing can be most meaningfully targeted.

The Refugee Convention's preamble, which recognises that asylum may place “unduly heavy burdens on certain countries” and that solutions “cannot be achieved without international co-operation” is reiterated in the explicit principle of burden- and responsibility-sharing operationalised in the United Nations Global Compact on Refugees 2018 – to which all ASEAN Member States are party. ASEAN Dialogue Partners are encouraged to provide financial assistance, resettlement places, and technical capacity to frontline host countries, rather than leaving the economic and social costs of displacement to fall disproportionately on states least equipped to bear them. Without such support, host states risk sacrificing their own development trajectories to accommodate refugee populations, undermining the very right to development the international framework seeks to protect — for both displaced persons and host communities alike. In this sense, funding support becomes not charity, but a normative obligation flowing from development's inherently international and interdependent character.

ASEAN Dialogue Partners have a meaningful contribution to make to this agenda. AICHR’s thematic study emphasised that cooperation should extend beyond funding and resource mobilisation to include technical and policy development experience, peer learning, and study tours that benefit ASEAN Member States as genuine partners rather than solely as beneficiaries. Dialogue Partner support is most durable when it is built on genuinely shared agendas, where ASEAN Member States lead and co-fund alongside partners, rather than receiving externally designed programmes.

V. Areas of priority attention

The following areas emerge as priorities for sustained attention by ASEAN Member States, ASEAN Sectoral Bodies, Dialogue Partners, and other relevant

stakeholders. These areas are not presented as prescriptions but as a framework for reflection, dialogue, and the progressive development of shared approaches.

(1) Developing rights-based protective policy frameworks

AICHR's thematic study concluded that effective migration management requires policies that are rights-based, gender-sensitive, and responsive to differentiated vulnerabilities — and that these policies must be placed at the centre of governance rather than treated as supplementary considerations. This principle applies to displaced populations as much as to documented migrant workers.

Developing rights-based protective policy frameworks which balance complementary national security and human rights is necessary. Questions of how to end immigration detention, invest in social cohesion, address misinformation/disinformation and hate speech, extend access to civil documentation, legal status, health care, education, and formal employment to people in irregular situations — including refugees, asylum seekers, and stateless persons — is one that Member States are increasingly grappling with in practice. The sharing of experiences offers a valuable avenue for building towards greater regional coherence.

(2) Strengthening the identification and protection of trafficking victims

AICHR's thematic study noted that ASEAN countries have enacted anti-trafficking laws and engaged in regional cooperation frameworks including the ACTIP, but that systematic assessment of the effectiveness of these mechanisms has been limited. The current crisis in cyber-scam trafficking illustrates the gap between legal frameworks and implementation reality. Ensuring that victim identification practices keep pace with evolving forms of trafficking — and that people displaced by conflict or persecution are recognised as having particular vulnerabilities that standard frameworks may not capture — remains an area where sustained regional engagement is needed. The ASEAN Guideline on the Implementation of the Non-Punishment Principle for Protection of Victims of Trafficking in Persons[21] can be referred to when applying.

(3) Incorporating protection considerations into maritime cooperation

Maritime movements in the Andaman Sea and surrounding waters involve people with diverse legal statuses and protection needs, whose situations are not adequately addressed by frameworks designed primarily around security and search-and-rescue. The ASEAN Leaders' Declaration on Maritime Cooperation

[21] ASEAN, 2025, *ASEAN Guideline on the Implementation of the Non-Punishment Principle for Protection of Victims of Trafficking in Persons*.

2026 commits to strengthening cooperation in maritime safety and search and rescue, and to implementing the ASEAN Declaration on Cooperation in Search and Rescue of Persons and Vessels in Distress at Sea 2010. Building on these commitments is to extend greater attention to the protection dimensions of maritime responses regarding irregular migrants, including disembarkation arrangements, reception conditions, and screening for international protection needs. This is an area where greater coordination with mechanisms of the Bali Process could be worth exploring.

(4) Deepening engagement with civil society, communities, and people with lived experience

AICHR's thematic study highlighted the important role of civil society organisations and non-state actors in migration management — filling gaps where government institutions are absent, providing legal aid, shelter, and advocacy, and connecting displaced people with the services and information they need. At the same time, the study noted that many NGOs operate on a voluntary basis with limited resources, and that some destination countries lack sufficient civil society infrastructure to support displaced people effectively. Deepening and formalising the role of civil society in migration governance and ensuring that people with lived experience of displacement are meaningfully included in policy dialogue, represents an important dimension of building more effective and accountable regional responses.

(5) Building towards greater coherence in regional responsibility-sharing

The most fundamental challenge identified across AICHR's thematic study and the regional context as it stands in 2026 is the fragmentation of responses to forced migration and the absence of a shared regional framework for responsibility-sharing. This is not a challenge that can be resolved quickly or through any single mechanism. It requires sustained political will, careful attention to the diverse circumstances of Member States, and the gradual accumulation of shared experience, norms, and practices over time.

AICHR will continue to contribute to this process of norm setting and norm institutionalisation through dialogue, knowledge exchange, the progressive development of human rights standards applicable to displaced populations, and through engagement with relevant ASEAN bodies.

V. Conclusion

Forced migration is not peripheral to ASEAN's agenda — it is central to the question of whether ASEAN can realise its own vision of a people-centred, inclusive, and resilient community. As has been observed in the foreword to the AICHR thematic

study, inclusive migration policies underpinned by human rights-based principles and a strong evidence base are what will enable the region to ensure the protection and promotion of the rights of all migrants — including those whose displacement places them in the most vulnerable of circumstances.

What is needed is a willingness to build on the good foundations already existing — to learn from national experiences, to be honest about where ASEAN frameworks have fallen short, to invest in the people and institutions that make protection possible at the community level, and to work together across borders with a sense of shared responsibility for the people in the region who are most vulnerable.

AICHR looks forward to continuing this work in partnership with all stakeholders including the communities most affected by forced displacement.

Dated this 9th day of November 2026