

NGO intervention on support for the application of the comprehensive refugee response framework (CRRF): reception and admission, meeting needs and supporting communities, and solutions

Agenda item 2

Mr. Chairperson, distinguished delegates, ladies and gentlemen,

This intervention has been drafted following wide consultations with NGOs, and reflects a diversity of views within the NGO community.

NGOs commend UNHCR for the development and practical application of the Comprehensive Refugee Response Framework (CRRF) over the course of the past year. We recognise that progress has been made in the roll-out, notably at regional levels. We also acknowledge UNHCR's inclusive approach, consulting a range of stakeholders, including NGOs, in the planning and implementation of the CRRF.

The CRRF application, however, has mainly focused on countries of first refuge, whereas richer countries have assumed the role of donors. To be truly 'comprehensive', the CRRF should seek to actively promote durable solutions as a centre piece of global responsibility sharing, a point NGOs also raised during the September Standing Committee last year.

After a year of implementation of the CRRF, we believe that the Programme of Action can underline learning and guidance on good practices. We strongly recommend that the Programme of Action should carry a paragraph on learning from the practical application of the CRRF.

Overall, we welcome the emphasis on moving away from encampment, 'care and maintenance' and parallel services to expanding and strengthening national systems to promote inclusion of refugees. This will also benefit host communities, thus allaying social tensions, dispelling myths and fighting racism and xenophobia. Access to education, jobs and health care, in line with international human rights norms and labour standards, are key to reducing vulnerabilities and supporting integration of refugees. However, access should go hand in hand with measures to make refugees feel safe and secure. Such measures should include stronger focus on protection, providing refugees, asylum seekers and stateless persons valid identity documents, as well as freedom and security to report abuse without fear of detention or deportation.

More specifically we would like to highlight, **on reception and admission:**

The Programme of Action must propose concrete suggestions to strengthen contingency planning and preparedness, rightly highlighted as key aspects of refugee response during the thematic discussions last year. Children and youth, particularly girls and young women, must be an integral part of all planning and preparedness processes. Strengthening civil registration and child protection systems at the local and national level must also be part of preparedness measures.

We note a strong State security perspective lacking a counterbalancing human security approach. Measures such as promoting community-oriented security or separating fighters from combatants must be carried out with extreme care and respect for peoples' human rights. We suggest reinforcing protection safeguards for people as well as emphasising the importance of prevention, inclusion and social cohesion under safety and security. The importance of addressing gender-based violence must be included too.

We note that the zero draft does not underline respect for the principle of non-detention of people crossing borders. As you have already affirmed in previous statements, Mr. Chair, detention and criminalisation of refugees, asylum seekers and irregular migrants cannot, and must not, be the answer. There is a wealth of good legislation and positive practice on alternatives to detention, including community-based arrangements, which the Programme of Action can draw on. The goal of ending child immigration detention must also be specifically referred to and key milestones for achieving this could be outlined. Promising practices on alternatives to child immigration detention exist and we would recommend that the Programme of Action refers to those. For example, the recent joint general comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 (2017) of the Committee on the Rights of the Child, on the rights of children in the context of international migration, provides clear guidance in this respect.

During registration and documentation, rigorous data protection and child safeguarding standards must be upheld. Stronger emphasis on language and translation support and inclusive and accessible communication materials, including for persons with disabilities, should be made. Standard operating procedures to properly identify stateless people in the registration and reception phase are equally important. Right to documentation for children should be emphasised even when parents are undocumented or considered to be in an 'illegal' situation. Children's right to acquire a nationality should be recognised – without gender discrimination. Moreover, in order to promote a whole-of-society approach, non-confidential information of registered refugees and asylum seekers (disaggregated age, gender, diversity and vulnerability data) should be communicated with other stakeholders for better planning and contribution.

The Programme of Action should also translate the right to seek asylum into concrete measures, and stress the right of asylum seekers to stay legally until conditions underlying their need for asylum persist.

We also suggest firming up the language on addressing specific needs, urging States to commit to providing support for measures proposed in the zero draft, especially for best interest

determination procedures, appropriate care arrangement and the child protection system. We propose that this includes all key procedures essential for the fulfilment and implementation of rights and state obligations, with appropriate mobilisation and deployment of resources. Moreover, resettlement should be included as an option for those with specific needs and come in addition to UNHCR's annual resettlement quota.

Group-based recognition for addressing international protection needs will still require individual vulnerability assessments for those groups being deprioritised for asylum claims. Similarly, references to good practices must be made with regard to screening vulnerable groups for international protection needs.

We welcome the establishment of the asylum capacity support group. But we would like to have more precision on how this adds value to, and links up with, similar support mechanisms, existing and proposed, at the global level. Furthermore, a timeline of when the group will be established would need to be included in forthcoming drafts. We recommend that this group is child and gender sensitive and is explicitly guided by the imperative of human rights.

On meeting the needs and supporting communities:

With respect to education, the Programme of Action must refer to the international community's collective commitment embodied in the Incheon Declaration and the Education 2030 Framework for Action to ensure quality education for refugee children and youth – including girls – who are out of school because of conflict, crises or disasters. Protection dimensions of education, including attention to removing obstacles to attendance must be given due emphasis. Overall, child protection needs must be guided by the Convention on the Rights of the Child (CRC). The Programme of Action must make stronger references to the CRC. It should promote respect for child rights throughout the displacement cycle.

The Programme of Action must also reflect fully that the inclusion of refugee children and youth in education systems is a right and should therefore be appropriate in all situations, in accordance with international human rights norms and not qualified with a limiting term such as “where appropriate”. Furthermore, the Programme of Action must clarify and provide further information about the “innovative financing mechanisms to increase investment in education”. The purpose, objectives and value-added of the proposed global academic alliance on refugees, forced displacement and statelessness should also be further specified. In addition, we recommend that the Programme of Action emphasise the importance of transferable life skills, language and vocational training opportunities.

The Programme of Action should also encourage host countries to recognise refugees who were formerly teachers, support educated youth with potential to become a teacher and agree to enrol them through gainful educational employment, both in the formal and informal education system, in order to reach out to all groups in marginalised areas, particularly in urban refugee situations.

We take this opportunity to commend the Intergovernmental Authority on Development (IGAD) and its Member States for the commitments made at the regional conference on Education for Refugees in Djibouti last December.

We commend the Programme of Action for underlining the importance of fostering inclusive economic opportunities for refugees, stateless persons and host communities. This, however, should be accompanied with explicit references to removing barriers to refugees' and stateless persons' freedom of movement. Moreover, the right to work must be accompanied by *rights at work*. Towards this, the Programme of Action should highlight measures to protect labour rights and ensure protection from abuse and exploitation (including sexual exploitation), fair and ethical recruitment, social protection and access to justice. States must comply with international labour standards in the treatment of refugees, in addition to guidance provided by ILO.¹ Accessing capital is equally vital for refugees to pursue self-employment opportunities. This should include unconditional cash transfers with appropriate protection guarantees.

The Programme of Action must take a broader view of gender highlighting the specific needs of women, girls, men, boys, LGBT individuals as well as other groups at risk of marginalisation. Age, gender and diversity analysis is at the heart of effective programming for all, and the importance of carrying out such an analysis must be reinforced. We recommend that the Programme of Action carry an opening paragraph committing to meet gender-specific needs while reinforcing language on the rights of women and girls aimed at drawing commitments to pay special attention to their needs throughout the displacement cycle.

Mr. Chairperson, noting a departure from agreed Annex I language, we request that the last section revert to the heading of '*durable solutions*'. This would also reaffirm that all three durable solutions should be pursued with equal vigour. In the Comprehensive Refugee Response Framework text, the section on durable solutions also covered complementary and legal pathways.

The binding principle of non-*refoulement* should be noted in the section on voluntary repatriation. Equally important would be to define what voluntary means – it implies that the person making the choice to return has all the relevant information available needed to make an informed decision, free of any form of pressure and that there is, in fact, a choice to make.² As such, States must assume responsibility for the physical safety of returnees. Transparent and participatory post-return monitoring mechanism, involving local civil society and National Human Rights Institutions, must also be established. The section on voluntary repatriation must furthermore reiterate that quotas and return packages undermine the very concept of voluntariness.

¹ Such as: ILO Recommendation 202 (Employment and Decent Work for Peace and Resilience) and ILO Guiding Principles on Access of Refugees and Forcibly Displaced Persons to the Labour Market.

² For more details, see Chapter 2.4 of *UNHCR Handbook on Voluntary Repatriation: International Protection* (1996): <http://www.unhcr.org/uk/3bfe68d32.pdf> and section 6 on Voluntary repatriation in the *NGO Key Messages for the 10th High Commissioner's Dialogue on Protection Challenges "Towards a Global Compact on Refugees" (12-13 December 2017)*: https://www.icvanetwork.org/system/files/versions/17_12_11_HCDialogue_NGOKeyMessages.pdf

We appreciate the recommendation for countries of origin to incorporate the Guiding Principles into their national policies in footnote 47. However, we suggest that the language be more affirmative, and should be included in the body of the text; internal displacement is not a footnote! We also point attention to emerging evidence of premature and/or involuntary or coerced returns carrying the likelihood of further movements, thus keeping people trapped in an endless displacement cycle. Given this relationship between internal displacement and cross-border movements including returns, the section on Data and Evidence should consider the collection of interoperable data along the entire displacement continuum, from internal displacement to refuge abroad and repatriation/return. There is scope to discuss the need for preventing and monitoring internal displacement in paragraph 36 on preparedness: efforts to address and mitigate internal displacement will have an impact on refugee flows.

Lastly, on voluntary repatriation, we observe an emphasis on security aspects. These are important. Equally vital is to promote livelihood and employment options as well as access to services for returning refugees, which will also benefit communities in areas of return. The need to address the root causes in origin countries should be highlighted more strongly, also in relation to voluntary repatriation and further displacement prevention.

On resettlement and pathways – fundamental responsibility sharing elements – we recommend firmer commitments and would appreciate more details on the resettlement core group and its relation to the global platform and solidarity conferences. We also stress that other pathways should come in addition to, and not instead of, durable solutions. As highlighted yesterday, responsibility sharing must go beyond providing funds. It must include third countries reassessing and modifying, as appropriate, their existing migration and humanitarian entry settings to facilitate complementary pathways to protection and durable solutions. For new emergencies, there should be additional options to ensure that quotas for protracted situations remain intact and the necessary additionalities materialize.

Finally, host states must receive support to integrate refugee populations and the language on durable legal status, permanent residence and naturalization should be strengthened. Promoting refugees' access to basic services, livelihood and employment opportunities, protection safeguards will ensure that they continue to benefit from and contribute to the local economy. Host states must receive support to integrate refugee populations and the language on durable legal status, permanent residence and naturalization should be detailed and strengthened.

This section should also make specific reference to child rights, especially formalised best interest determination procedures. The Programme of Action should more explicitly refer to the principle of family unity as a core in resettlement, reintegration, or integration programmes. For children, being with their family members means protection, support and a sense of stability.

To conclude, we request that the Programme of Action provide guidance on how temporary and complementary protection pathways will work, and under what conditions they will be applied.

Thank you, dear Chairpersons and distinguished delegates, for the opportunity to offer comments on these key aspects of the Programme of Action. The NGO community looks forward to continuing our collaboration with UNHCR, Member States, and all other stakeholders to ensure that the Programme of Action delivers upon the New York Declaration commitments and the expectations of refugees and host communities.

A detailed version of this intervention is available on icvanetwork.org We also encourage you to consult the many NGO comments on the zero-draft.

Thank you.