

Global compact on refugees SECOND DRAFT

FRONTEX Fundamental Rights Officer's Observations¹

1. Introduction

a. Background

§ 5. The Fundamental Rights Officer welcomes the reference to international humanitarian law, including the principle of *non-refoulement* and instruments for the protection of stateless persons.

In line with the UN commitment to children and women's rights, the FRO suggests, in addition to the Universal Declaration on Human Rights, to add a specific reference to the Convention on the Rights of the Child and to the Convention on the elimination of all forms of discrimination against women.

2. Mechanism for burden and responsibility sharing

a. Data and evidence

§ 45 and 46. The FRO welcomes the effort to promote the development of common standards for the collection, analysis, and dissemination of age, gender and diversity disaggregated data on refugees and returnees, in line with relevant data protection policies. In order to ensure systematic referral of vulnerable persons and persons in a vulnerable situation; and to promote the harmonization of referral systems, the FRO would like to suggest adding a point on the need to include, whenever possible, data about other possible vulnerabilities or persons/groups with specific needs (victims of gender-based violence of victims of trafficking in human beings).

3. Areas in need of support

a. Reception and admission

i. Preparedness, contingency planning and early warning

§ 54. The FRO would suggest to highlight the need that preparedness measures, including contingency planning are gender mainstreamed and have considered children's best interests in order to strengthen a coherent response capacity.

§ 56. The FRO would encourage to recall that early warning systems are necessary to ensure well-functioning response capacities but that it goes hand in hand with well-functioning referral systems (as mentioned in 50) until protection is effectively provided.

ii. Immediate reception arrangements

§ 57. In order to reflect § 64 on gender and security but also general considerations about the best interests of the child, the FRO would encourage that the immediate reception arrangements, including all points listed under § 57 are conducted in a gender, age and diversity sensitive manner.

§ 58. For the purpose mentioned in § 57, the FRO suggest to recall that UNHCR, other States and relevant stakeholders need diverse teams, including an adequate proportion of female staff, to cover adequately the reception needs of women including their security when needed.

iii. Registration and documentation

§ 61. The FRO would like to highlight the importance that registration of refugees plays both to know who has arrived but also to prevent that persons go missing after crossing the borders to the European Union

¹ These brief Observations present the views of the Fundamental Rights Officer (FRO), in her independent capacity as monitor and advisor on fundamental rights matters for the European Border and Coast Guard Agency, and do not necessarily reflect the views of the Agency.

(and involved in trafficking in human beings or other abuses), particularly unaccompanied or separated children. The FRO would recommend a specific mention on this issue.

Echoing the suggestion made in § 57, the FRO would encourage that the registration is performed in a gender, age and diversity sensitive manner. For this purpose, the FRO suggests to recall that UNHCR, other States and relevant stakeholders need diverse teams, including a high proportion of female staff.

The FRO welcomes the commitment to an adequate standards of protection of personal data through the establishment of protocols for the sharing of personal and biometric data when relevant. Sharing of information with third countries shall only be performed after protection is guaranteed.

iv. Safety and security

§ 60. The FRO would suggest to further specify that the strengthening of international efforts to combat sexual and gender-based violence, smuggling and trafficking includes doing so in reception areas, during registration and identification.

v. Addressing specific needs, including children at risk

§ 63. The FRO would suggest to expand the list of persons to identify and refer and include survivors of torture.

§ 77. The FRO encourages the effort to gender mainstream the Global Compact. In this regard, and mirroring the suggestion made in § 57, the FRO would be in favor to precise that the strengthening of the security and safety of women and girls, which includes to prevent and respond to sexual and gender-based violence and sexual exploitations, is necessary during identification, registration and in reception areas. For this purpose, States and relevant stakeholders need diverse teams, including an adequate proportion of female staff.

FRONTEX FUNDAMENTAL RIGHTS OFFICE

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