

# THIRD WRITTEN SUBMISSION OF AMNESTY INTERNATIONAL TO THE GLOBAL COMPACT ON REFUGEES

*Amnesty International welcomes the opportunity to make a third written contribution as part of ongoing discussions around the Global Compact on Refugees.*

*Amnesty International recommends the following **text in red** be included in the final Compact on Refugees:*

## 1. ON THE ROLE OF THE PRIVATE SECTOR, LABOUR RIGHTS OF REFUGEES AND CORPORATE ACCOUNTABILITY:

Amnesty International recommends that the following text is included in Part A, section 3.2 on a multi-stakeholder and partnership approach:

42. *Public-private partnerships* will be explored, including: possible new institutional arrangements and methodologies for the creation of commercial business venture conditions and financial/business instruments; to support refugee employment and labour mobility; and to enable greater opportunities for private sector investment. **The private sector must respect human rights in line with international law and standards.** The private sector is encouraged to ~~advance standards for ethical conduct in refugee situations,~~ share tools to identify business opportunities in host countries, and develop country-level private sector facilitation platforms where this would add value. **The private sector's contribution to the Global Compact has the potential to benefit refugees, hosting countries, other states and the private sector itself. The contribution must not come at the cost of the rights, security and safety of refugees or foster an environment that promotes their exploitation or abuse, especially given the potential vulnerabilities of refugees, including women and girls. As such, in recognition of the State duty to protect against human rights abuses by third parties, including business entities, and the corporate responsibility to respect human rights, States will take appropriate steps to prevent, investigate, punish and redress human rights abuses by business entities in implementing the global compact, including by ensuring that any private sector contribution, whether by way of public-private partnership or otherwise, is in line with international law and standards.**

## 2. ON A HUMAN RIGHTS BASED APPROACH TO DATA COLLECTION AND MANAGEMENT:

Amnesty International recommends that the following text is included in Part A, section 3.3, on data and evidence:

46. To support evidence-based responses, and in line with **international human rights law and standards** and relevant data protection principles, States and relevant stakeholders will:

- promote the development of harmonized or interoperable standards for the collection, analysis, and sharing of age, gender, diversity and disabilities disaggregated data on refugees and returnees;
- ensure that relevant data protection and data privacy policies, **in line with international human rights law and standards**, are applied with respect to all collection and dissemination of personal data, including the principles of necessity, proportionality, and confidentiality;
- **put in place strong safeguards around data collection and management to ensure refugee data cannot be used to facilitate human rights violations;**
- support the inclusion of refugee **voices** and host communities, as well as returnees and stateless persons as relevant, within national data and statistical collection processes;
- **handle personal data only with the express and informed consent of individuals and any categories of identification should be developed through a participatory approach;**
- capacitate national data collection systems on the situation of refugees and host communities, as well as returnees, using national surveys, population and housing censuses, and administrative sources as relevant;

In addition, Amnesty International recommends the following is included in Part B, section 1.4 on registration and documentation:

58. Registration of refugees is key for people concerned, as well as for States to know who has arrived, and facilitates access to basic assistance, including for those with specific needs. It is also an important in ensuring the integrity of refugee protection systems and preventing and combating fraud, corruption and crime, including trafficking in persons, and for solutions. In support of host countries, UNHCR, in conjunction with States and relevant stakeholders, will contribute resources and expertise to strengthen national capacity for individual registration, documentation and biometrics (including for women and girls, regardless of marital status), where requested. This will include support for the collections, use and sharing of quality registration data, disaggregated by age, gender, disabilities, and other specific needs, in line with **international human rights law** and relevant data protection principles. **Refugees who are unable or unwilling to provide biometric or other forms of data used for registration or other purposes will not be discriminated against or punished.**

### 3. ON CLIMATE CHANGE:

Amnesty International recommends that the following text is included in the Introduction, (iv) on prevention and addressing root causes:

8. Large-scale refugee movements and protracted refugee situations, often also involving significant forced internal displacement, persist around the world. Protecting and caring for refugees is life-saving for the individuals involved and an investment in the future, but importantly needs to be accompanied by dedicated efforts to address root causes. While not in themselves **direct** causes of refugee movements, climate **change**, environmental degradation and natural disasters may interact with the drivers of refugee movements. In the first instance,

addressing root causes is the responsibility of countries at the origin of refugee movements. However, averting and resolving large refugee situations are also matters of serious concern to the international community as a whole, requiring early efforts to address their drivers and triggers, as well as improved cooperation among political, humanitarian, development and peace actors.

9. Against this background, the global compact complements ongoing United Nations endeavours in the areas of prevention, peace, security, sustainable development, migration and peacebuilding. All States and stakeholders are called on to tackle the root causes of large refugee situations, including through heightened international efforts to prevent and resolve conflict; to uphold the Charter of the United Nations and international law, including international humanitarian law; and to end exploitation, abuse and discrimination of any kind, including on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Equally important are efforts to alleviate poverty, reduce disaster risks, **mitigate and adapt to climate change** and provide development assistance to countries of origin, in line with the 2030 Agenda<sup>13</sup> and other relevant frameworks; uphold the rule of law at the national and international levels; and promote and protect human rights and fundamental freedoms for all.

In addition, Amnesty International recommends the following is included in Part B, section 1.6 on identifying international protection needs:

63. In addition, where appropriate, stakeholders with relevant mandates and expertise will provide guidance and support for measures to address other protection and humanitarian challenges. This could include measures to **protect and** assist those forcibly displaced by natural disasters **and climate change**, taking into account national law and regional instruments as applicable, as well as practices such as temporary protection, ~~and~~ humanitarian stay arrangements **and complementary or subsidiary protection**.

In addition to the recommendations above, Amnesty International continues to strongly urge States to agree a Compact that enables fair, predictable and equitable responsibility sharing, namely through establishing a permanent, mandatory responsibility sharing mechanism.<sup>1</sup> Amnesty International also urges States, as the Compact process draws to a close, to seize this opportunity to make concrete commitments and pledges to increase responsibility sharing through announcing new or expanded national resettlement places and complementary pathways. National leadership and commitments at this time can act as a catalyser for a stronger more effective global compact.

Above all, Amnesty International urges measures to ensure refugee voices and views are systematically included and incorporated into all aspects of the Global Refugee Compact, from draft phase to implementation and evaluation.

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<sup>1</sup> For more information on this and Amnesty International's calls around the Global Compact on Refugees, please see: <http://www.unhcr.org/uk/events/conferences/5ad9f3cb7/amnesty-international-public-statement-global-compact-refugees.html>