

NGO intervention on Programme of action: Areas in need of support (Part III.B)

Agenda item 3

Dear Chairperson,

This intervention reflects a diversity of views within the NGO community.

As general comments, we welcome further tightening of linkages between responsibility-sharing mechanisms and areas in need of support. We also hope that underlining areas in need of support are neither exhaustive nor prescriptive, and are not meant to impose additional burdens, will address the concerns of host States. This, along with a strengthened emphasis on national ownership has made the programme of action more balanced. Bolstering national service delivery systems is positive, and should result in improved socio-economic outcomes for refugees and their hosts. In shortening and streamlining the text, however, we regret that critical details and aspiring language on human rights have been lost. This could ultimately impact negatively the implementation of comprehensive refugee responses. While drawing support for host countries is key, this section must also strive to reinforce the people-centred nature of the compact. Draft 2 had made progress in integrating age, gender, diversity and disability considerations. This is now less prominent in Draft 3, particularly in the meeting needs and solutions sections. We would urge that, at a minimum, these be reinforced in the *chapeau* paragraphs. Let's not forget that areas in need of support listed in this section carry direct implications on how refugees experience their present and how they embark on their future.

More specifically, on **reception and admission**, it is vital that countries receiving large numbers of people, including transit countries, receive predictable and timely support to prepare and guarantee adequate reception facilities. These should be equipped to receive diverse and vulnerable populations, including children. Support for early warning, early action and disaster risk reduction including assessing future displacement risk, is crucial not just for better managing the early stages of displacement but for the effectiveness of the overall refugee response. There should also be better coherence between IDP and refugee programmes including through early warning monitoring mechanisms. The move towards integrated programming therefore should be encouraged. While drawing regional and international support for risk analysis is key, efforts should also be geared towards building national capacities. In the redrafting, however, we note that several important elements including scenario-building exercises and contingency planning have been lost. Given the importance of the prevention agenda, we would encourage that these be reflected in the programme of action.

Reception arrangements must fulfil human rights standards, be age- and gender- responsive and should be adapted to meet the specific needs of people including those living with disabilities and survivors of torture. Regular and independent monitoring of reception conditions would also be important to ensure sustainability of standards. Involvement of refugee communities is vital in such monitoring.

In screening new arrivals at border points, we welcome that the paragraphs on *safety and security* now recognise the need to uphold international human rights standards. However, we continue to believe

that the inclusion of a counter-terrorism perspective may adversely impact those in need of international protection. We would encourage that such language is better qualified or removed from the programme of action, which aspires to be people-centric.

Registration and documentation remain key for refugees in their search for protection and durable solutions. States will need support not only for strengthening registration capacities, but also in helping orient new arrivals to ensure they have proper information about registration and asylum processes. These include translation as well as information dissemination in formats that are sensitive to age, gender, diversity, and disability considerations¹. At the same time, registration and documentation should not become barriers for those undocumented to access basic services; and quality registration must remain accessible on a continuous basis. The initial registration is critical, but without continuous registration, the system is static and fails to register changes in the details of individuals and households as well as the evolving needs and vulnerabilities of refugees, with consequences for both refugees and host communities. It is, therefore, necessary to engage with all actors involved in protection and assistance – governmental and non-governmental – in order to map the relevant services and processes. This can establish or strengthen linkages including through referral mechanisms as well as information dissemination and sharing; while also ensuring that all actors involved, are aware of, and accountable for ensuring relevant data protection principles.

States may also need support to identify, screen and refer *people with specific needs*, including medical needs and survivors of torture. The programme of action should reinforce means to address the needs of women and girls. Furthermore, we reiterate that medical services for those with specific needs must remain child- and youth-friendly and gender-, age- and disability-responsive. The development of non-custodial and community-based alternatives to detention should also make reference to adolescents and young people.

We regret that all references to mixed movements have been removed in this section of draft 3. Mixed movements are an operational reality. Providing adequate protection and designing appropriate responses requires us to acknowledge this. Otherwise, we risk leaving a large gap between the two Global Compacts, resulting in the side-lining of human rights and protection needs of those traveling as part of large mixed movements, which the New Declaration was meant to address. Providing adequate protection and assistance to refugees often requires proper mechanisms of reception, access to fair and efficient refugee status determination procedures and referral within mixed movements. The need for relocation and/or resettlement of refugees from transit sites in mixed migration situations should also be recognised in the GCR. Furthermore, people, irrespective of their status, should not have to lose their right to be treated with dignity and respect. Reception and admission facilities should accord the same standards to all. People, for example, may be detained only in exceptional circumstances while ensuring their full access to due safeguards including legal aid. The detention of children is always inappropriate and a violation of the rights of the child under the CRC.

On the *Asylum Capacity Support Group*, we thank UNHCR for sharing a non-paper, which provides further details on the type of support it will provide. We endorse the commitment to ensuring regional diversity in the Group. Recognising that the Group will draw support from voluntary contributions pledged at the Global Refugee Forum, it may not always be possible to ensure predictable and timely support. Therefore, it will need to have core resources, independent of voluntary contributions, to

¹ For recommendations on **access to information**, see a briefing paper developed by Translators without Borders: *Translators without Borders' response to the Global Compact on Refugees Draft 3 (June 2018)*.

respond swiftly to requests by States. NGOs stand ready to support the Asylum Capacity Support Group, and would welcome details on how they could contribute.

Meeting needs and supporting communities is key to improving socio-economic outcomes for refugees and host communities. We welcome stronger language calling for support to strengthen national public delivery systems that include refugees. Although direct references to SDGs are limited in the draft, we urge that the spirit of leaving no one behind continues to guide our actions. Host States should be able to rely on support from international partners in providing services to refugees on par with citizens. NGOs stand ready in supporting UNHCR and Member States in this regard.

Coordinated humanitarian and development assistance, where possible, from the onset of displacement, is vital in paving the way for refugee self-reliance. Yet, to remain needs-driven and timely, humanitarian action will sometimes need to work outside of national development strategies, where this is the only way to provide emergency assistance and basic services to populations.

In this section, we are specifically concerned with changes in paragraphs on education, health and children. On *education*, it is important that reference to improving the quality of education is re-introduced in the text. This will require predictable and multi-year funding to help implement national education sector plans that include refugees. Additionally, language on specific barriers to accessing education, particularly faced by girls, has been removed. As emphasized in recent research, including UNHCR's report "*Her Turn*" published in March, girls – particularly adolescent girls – face specific gender and age-related barriers to accessing their education that must be addressed. This includes, sexual and gender-based violence in school and in transit to educational facilities, an increase in domestic responsibilities causing a time deficit for girls, increases in child, early and forced marriage as well as adolescent pregnancy, and health needs, including access to menstrual hygiene supplies. We also call for learning outcomes, education data management systems that include refugees, and reiterate our call for a global costing exercise on education for refugees. On *health*, reference to facilitating refugees' access to primary, secondary and tertiary care has been removed. Along with removal of the basic health care package in Draft 2, this represents a serious weakening in the commitment to ensuring universal health care. There remains gaps in addressing increased risks of sexual and gender-based violence for refugee women and girls in transit, as well as while living in refugee settings. Several NGOs renewed their call to include sexual and reproductive health care for women and girls², particularly as part of life-saving medical care for survivors of sexual and gender-based violence. Healthcare services should include comprehensive post-rape care and emergency services, antenatal and safe delivery care, post-natal care, services to prevent infections (e.g. HIV), and services facilitating early diagnosis and treatment of reproductive health illnesses (including breast and cervical cancer).

While we welcome the paragraphs on *children³ and youth*, in the process of synthesising, some important elements on children have been lost. We believe it is vital to invest adequate resources in strengthening child protection skills of all actors as well as specialised services for child victims of gender-based violence. Support should also be called for to implement the UN Alternative Care Guidelines and promoting guardianship for unaccompanied and separated children. We would also encourage recognising child safeguarding regulations to ensure children are not abused and exploited.

² For recommendations on **women and girls**, see a paper developed by the: CARE International, Plan International, Refugees International, the UNSW, Forced Migration Network and the Women's Refugee Commission: *Suggestions related to Women and Girls for the Third Draft of the Global Compact on Refugees* (8 June 2018).

³ For recommendations on **children**, see a paper developed by the Initiative for Child Rights: *Recommendations following Draft Three of the Global Compact on Refugees* (June 2018).

Responsibility-sharing measures should aim to facilitate cross-border collaboration in child protection and continuum of care for children.

We appreciate the inclusion of decent work in the paragraphs on *jobs and livelihoods* and reiterate the need to refer to States' duty to protect and businesses' responsibility to respect labour rights and standards. We would also encourage that in the paragraphs on *food security and nutrition*, support is provided to States to include refugees in their social safety net programmes. We welcome a more developed *tolerance and peaceful co-existence* paragraph, but would reiterate the need to include support for combating racial discrimination and xenophobia. We also think that *social cohesion* better captured the spirit of promoting better relations between refugees and host communities.

On **solutions**, we observe a weakening of age, gender and diversity considerations⁴ and reiterate our concern related to the assertion that “voluntary repatriation is not necessarily conditioned on the accomplishment of political solutions in the country of origin”. In the last years, we have seen disturbing levels of push-backs and returns to situations characterised by high levels of insecurity and instability. Paragraphs on voluntary repatriation also make no mention of access to information for potential returnees or post-return monitoring and access to documentation. All this put together can only raise concern about the continued effectiveness of the international refugee protection regime. NGOs encourage that specific language should be introduced, which elaborates explicit action to prevent *refoulement*. For children, determination of a child's best interest with the active participation of children would be paramount for all durable solutions and complementary pathways.

We welcome that the conclusion of the three-year strategy to increase *resettlement* will coincide with the 2021 Global Refugee Forum. This should be an urgent priority as the number of refugees being resettled has dropped drastically. To put this in perspective, UNCHR reports that, in 2017, resettlement quotas fell by 54 percent, and expects this trend to continue this year. At a time, when all Member States are coming together to forge a global compact aimed at increasing responsibility-sharing in achieving permanent solutions for refugees, this sends a wrong message. In the spirit of collective outcomes, States must consider resolving this issue by stepping up quotas to increase resettlement places. New countries committing to resettlement will be a welcome signal for all.

On local integration, we note the new sub-section on *other local solutions*. We worry that pursuing second-best options may gradually dismantle the durable solutions framework to an extent where these become the new normal. In the spirit that people represent the biggest asset, access to permanent residency should at least be facilitated. In situations where other local solutions lead to a significant increase in granting temporary legal stays with full fundamental rights, these will be welcome.

Finally, we note the use of complementary pathways, and interpret that it adds to, and is not at the expense of, durable solutions. In this spirit, the three-year strategy should aim to bring additionality. We note that reference to simplified procedures for family reunification have been removed. In many situations, procedures for family reunification take months, sometimes years, breaking families, and we would urge that this be seriously reconsidered.

Thank you, Chair, for the opportunity to offer comments on these key aspects of the programme of action.

⁴ For recommendations on **age, gender and diversity**, see a briefing paper developed by Plan International: *Global Compact on Refugees – Response to the Third Draft for Consideration During the Fifth Formal Consultation* (June 2018).