

**Recommendations**  
**Regional Expert Meeting**  
***Addressing National Security without Undermining Refugee Protection***  
**Arab Ministers of Interior Council – Republic of Tunisia**  
**15<sup>th</sup> – 16<sup>th</sup> November, 2016**

We, the representatives of Arab countries, representatives of the international and regional organizations and concerned experts participating in the regional meeting entitled "addressing national security without undermining refugee protection", convened in cooperation and coordination between Arab Interior Ministers Council (AIMC) and the United Nations High Commissioner for Refugees (UNHCR), on the 15 and 16 of November 2016, at AIMC Secretariat in Tunis;

- Recalling the New York Declaration on Asylum and Migration, released in parallel with the work of the United Nations General Assembly on September 19<sup>th</sup>, 2016 which affirmed the enduring relevance of the international protection regime and recognized that responding to refugees as a shared international responsibility;
- Expressing our grave concern of what refugees and migrants witness of dangers of sexual exploitation and human trafficking, seeking to work closely to reduce this phenomenon in the Arab region in line with international and regional conventions;
- Recognizing the right of everyone to seek and to enjoy, in other countries, asylum from persecution, as enshrined in the Arab Charter on Human Rights and Universal Declaration of Human Rights, and recognizing the region's strong traditions, principles and commitment to the protection of refugees and the role of Member States of Arab Interior Ministers Council in extending live-saving protection, safety and services to unprecedented numbers of refugees in the Arab region;
- Acknowledging the important role and added value of the Members States of AIMC in providing refugee protection and supporting solutions through advocacy, technical assistance, capacity-building, dissemination of information, research, innovation and the exchange of knowledge and good practices; and the importance of access to safety and protection for those in need, while safeguarding the security of transit and host countries and communities is recognized;
- Recognizing the contribution of civil society, including non-governmental organizations, charitable foundations, professional associations, media and the private sector to the promotion of refugee protection and solutions;
- Recognizing this historic opportunity to build a shared vision within the Arab region for advancing national security without undermining refugee protection and the respect of the principle of non-refoulement, taking into account the following:
  - The rights of refugees may not be invoked by a person with respect to whom there are serious reasons for considering that he or she has committed a war crime, a crime against humanity, act of genocide, a serious non-political crime or acts contrary to the purposes and principles of the United Nations;
  - International refugee law is not an obstacle to addressing security concerns, and dealing effectively with threats against national security does not necessitate amendments of the principles of refugee protection or international refugee law; and
  - The right to seek asylum should never be an avenue for those personally involved in terrorist acts to secure access to territory, whether to find a safe haven, avoid prosecution, or to carry out further crimes or attacks.

And based on the deliberations conducted during the meeting, where discussions were held on the ways to address legitimate security concerns while at the same time upholding fundamental principles of refugee protection, Member States presented practical challenges faced in their respective countries as well as possible solutions applicable in the national and cross-national context.; opportunities for collaboration were identified, with a view towards ultimately establishing integrated responses that address both the protection and security aspects of the current displacement and migration situation in a spirit of solidarity and responsibility-sharing;

Accordingly we recommend the following:

1. Ratification by the Member States, who did not, to the 1951 United Nations Convention and its 1967 Protocol or accede to it;
2. Urging the Member States on the need to expedite the development of the final draft of the Arab Convention on Regulating the Refugee Status and its adoption;
3. The adoption by Member States of an integrated approach where complementary and mutually reinforcing measures with respect to state security and refugee protection are implemented to ensure access to safety and protection for those in need in transit and host countries and communities;
4. The endorsement of UNHCR's 10-Point Plan on Refugee Protection and Mixed Migration as a practical guidance for moving forward;
5. The timely identification and registration of refugees and asylum-seekers – regardless of whether entering legally or irregularly – to allow Member States to have more information regarding who is on their territory while also allowing for access to asylum procedures and protection against *refoulement*;
6. That any screening of asylum-seekers and refugees is conducted in a non-discriminatory manner, whereby no one is profiled based on real or assumed age, gender, nationality, race, ethnicity, educational and social background or religion;
7. The compliance of data-sharing agreements between Member States, and as necessary between UNHCR and Member States, with established principles and standards of data protection, including due consideration of international refugee law and international human rights law as well as the well-established principle to not share information on asylum-seekers with the country of origin;
8. The need to ensure legal alternatives to detention of asylum-seekers and refugees are available in law and implemented in practice, in particular stressing that youth should never be confined with criminals and violent extremists;
9. A person should not be detained for a reason related to applying for asylum; also children and persons with disabilities should never be detained for the same reason;
10. Incorporating the “Refugee’ Rights” substance into the curricula of the Police and Security Academies and Institutes;
11. Enhancing the joint cooperation and coordination between the United Nations High Commissioner for Refugees and the Arab Interior Ministers Council General Secretariat, in a way that would contribute to building confidence and cooperation between law enforcement organizations and the concerned refugee agencies at the regional and national levels.