

**NGO intervention on Programme of action: Areas in need of support – reception and admission (Part III.B.1)**

**Agenda item 3**

Dear Chairperson,

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

Overall, the section on **areas in need support** now presents better linkages with pledges and contributions that will be made through responsibility-sharing mechanisms. Improving protection and assistance for refugees, asylum seekers and stateless persons is a collective responsibility. While relieving pressure on host States remains a key objective, the overall goal should remain improving the lives of refugees.

In general, this section, we believe, now strives to promote a gender-and age-sensitive response. However, we urge the inclusion of disability as a cross-cutting issue and to consider a rights-based rather than needs approach. Although mainstreaming of youth and adolescents could be strengthened, references to specific needs of older persons and survivors of sexual and gender-based violence including exploitation and trafficking are positive. This reflects attempts by UNHCR to integrate comments from various stakeholders, including NGOs.

However, as we strengthen protection for some groups, we must ensure that people part of mixed movements are not left behind. The second draft refers to mixed movements only in terms of addressing specific needs. Yet the first draft mentioned it specifically in relation to determining international protection claims. As such, we would urge that the right to seek asylum should be clearly underlined. This must be coupled with calls to scrap policies that deny people this basic human right such as relocating asylum seekers or push-backs.

Moving on to specific comments, we welcome a more detailed **early warning, preparedness and contingency planning** section. The inclusion of analysing risks of internal displacement addresses our concerns, and this needs to be matched with robust capacities to respond to such risks should these materialise. We appreciate references to enhancing national coordination mechanisms and would urge that arrangements are made to include NGOs, including local and national, in these structures. We reiterate that support for establishing regular training programmes to share and strengthen capacities could be useful, and these must include local NGOs too. We welcome the inclusion of standby capacities and would be keen to know how these will be constituted and where these will be situated. Investments should also be made in **community policing** to ensure that refugee and host communities contribute actively in risk mitigation.

We welcome support for training and capacity development under **immediate reception arrangements**. These must extend to all border, reception and admission staff including volunteers.

Moreover, such training must be sensitive to human rights. At the same time, efforts must be made to save the lives of asylum seekers in transit. Relevant stakeholders must therefore contribute to search and rescue operations. Support for identifying those who have died or gone missing in transit or upon arrival and facilitating contacts with their family members is also vital. The programme of action should also encourage States to abandon policies that criminalise saving the lives of asylum seekers in transit. Lastly, we reiterate the need for regular and independent monitoring of reception conditions to ensure continuous adherence to human rights standards.

We note that the section, **safety and security**, continues to privilege state security over that of refugees and humanitarian workers. There is limited evidence that asylum seekers and refugees threaten national security, and we consider such language disproportionate in relation to the actual threat. Instead, we note that at times, counter-terrorism legislations have served as cover for grave human rights violations in many instances. While we welcome the inclusion of protection-sensitive screenings and training for relevant authorities, we urge that these be supplemented with measures that enable refugees and asylum seekers to access legal assistance and grievance-handling mechanisms. We also reiterate the vital role national human rights organisation play in balancing national security with protection for refugees. Delivering security and justice, especially by communities, must be accompanied with strong accountability measures to challenge abuse and arbitrariness. We encourage that qualifying language be added to ensure mobile courts are not a means to deliver arbitrary justice.

We welcome inclusion of preventing trafficking in persons in the subsection, **registration and documentation**. Adhering to relevant national and international data protection standards is also positive. It is vital to recognise the sensitivity of identity-related information, especially in a context where refugees flee identity-based persecution. This sub-section, while supporting host States in individual registration and documentation, must also remain sensitive to the needs of refugees and asylum seekers. Access to adapted information, provided in the language understood by refugees, asylum seekers and stateless persons, is crucial not only to ensure adequate protection, but also to avoid unnecessary delays in processing. As such, data collection must privilege information on education level and languages spoken by persons of concern in reception facilities as early as possible. All persons must also be able to access legal assistance upon arrival. Rejection of asylum claims, moreover, should in no way lead to barriers in accessing basic services and legal assistance. In too many places today, refugees and asylum seekers remain undocumented and exposed to abuse and exploitation, especially in urban areas. Support must be provided to legalise their status without penalising them.

Under **addressing specific needs**, we welcome references to developing non-custodial and community-based alternatives to detention and encourage that this be extended to all persons of concern with specific needs. Particularly for unaccompanied and separated children and adolescents, consideration of family-based alternatives should also be added in line with best interest assessment. These must be accompanied with freedom of movement and the right to privacy. We reiterate our call to include refugee children in national child protection systems, rather than establishing parallel services. We note that identification of safe spaces for people with specific needs is no longer mentioned. Although identification of safe spaces is included in immediate reception arrangements for women and children, we believe all people with specific needs should be entitled to safe spaces. Furthermore, we reiterate that medical services for those with specific needs must remain child- and youth-friendly and gender- and disability-responsive, and these must include all preventive and essential healthcare services, including comprehensive post-rape care and emergency services, antenatal and safe delivery care, post-natal care, services to prevent infections (including HIV), and services facilitating early diagnosis and

treatment of reproductive health illnesses (including breast and cervical cancer). Further, the increased risks of sexual and gender-based violence for refugee girls and women in transit, as well as while living in refugee settings, results in a correlative increase in healthcare needs. Post-rape care and emergency services can mean life or death for a survivor of sexual violence.

In **identifying international protection needs**, we welcome references to international and regional instruments, which recognise a range of risks that force people to flee. We encourage that this broader interpretation of protection risks be adopted by all authorities responsible for determining international protection needs. In large refugee movements, group-based *prima facie* recognition remains key, albeit with consideration for the vulnerabilities and specific needs of asylum seekers.

We welcome further details on the **asylum capacity support group** and take this opportunity to thank UNHCR for the informal exchange organised on this topic ahead of these consultations. NGOs including refugees with capacity and expertise in asylum processes as well operational experience in managing arrivals stand ready to support UNHCR in upholding the integrity, fairness, efficiency and adaptability of asylum systems. We believe this group will be essential in facilitating the sharing of good practices. Where needed, the support group must also aim at building local or national asylum capacities and strive to incentivize all countries – not just usual hosts – in welcoming refugees. Lastly, this support must not only lead to technical improvements in asylum structures but result in a broadening of the asylum space. As such, while technical support is important, States should also strive to share asylum responsibilities more fairly, at the least, by refraining to implement pushback policies.

Finally, we are disappointed to note that all references to disaster-related processes including the Nansen Initiative and the Platform for Disaster Displacement have been gradually removed. These initiatives reflected significant advances in international efforts to mobilise a predictable and sustained response to people displaced by disasters. Blinding ourselves to emerging challenges will not make them go away. Disaster displacements and vulnerabilities will, unfortunately, continue and countries will have to eventually face up to this reality, and indeed many are already doing so. If we do not act decisively now, our commitments to prevention will ring hollow.

Thank you, Chair, for the opportunity to provide comments on this key aspect of the programme of action.