

## Asylum Access's Response to the Second Draft of the Global Compact on Refugees May 2018

### About Asylum Access:

Asylum Access is a global non-governmental organization dedicated to refugee human rights and economic empowerment. With national organizations in Africa, Asia and Latin America and a global hub in Oakland, California, USA, Asylum Access is committed to challenging barriers that keep refugees from living safely, moving freely, working and attending school. At the national level, Asylum Access organizations provide legal empowerment to refugees and advocate for policy changes that improve refugees' access to rights. Globally, Asylum Access supports other organizations to develop similar programs, and advocates for systemic changes regionally and globally that advance refugees' power to rebuild their lives. The organization uses a range of rights-based tools to secure concrete change in refugee-hosting countries so refugees can meaningfully participate in their new economies and communities.

#### **1. Asylum Access reiterates the significance of international human rights law in protecting refugees**

International human rights law must be used as a basis to ensure refugees enjoy fundamental freedoms as well as access to justice. International humanitarian law and other instruments can supplement this, but subsequent drafts of the Global Compact on Refugees should reference international human rights law. The final Global Compact must be founded the full body of Human Rights law, which includes the Universal Declaration of Human Rights, the ICCPR and the ICESCR as well as a number of other instruments in addition to humanitarian law and instruments for protection of stateless persons.

Women's rights (eg CEDAW), children's rights (eg CRC), protections against discrimination (eg CERD) all fall under international human rights law. By contrast, International Humanitarian Law is designed to protect aid workers and negotiators, and to protect civilians as the beneficiaries of aid and peace-building efforts (usually within countries in conflict) -- rather than focusing on individuals' agency and political/economic/social participation. While International Humanitarian Law is a useful body of law, international human rights law is much more important for refugees, who are outside the country of conflict.

#### **2. Asylum Access prompts the Global Compact to re-examine the omission of national legal frameworks**

A state's laws, policies, and practices--collectively known as governance frameworks--protect refugees living in countries of first refuge. Autonomy and protection are exclusively granted to refugees by host governments through their

governance framework. Regardless of a refugees eventual destination, host states should create avenues for refugees' self-reliance through national policy frameworks granting fundamental rights of economic, social, civic, and cultural participation necessary to rebuild lives and livelihoods. Where strong governance frameworks in favor of refugees do not exist, states sacrifice refugees' economic independence and force them to rely on unsustainable assistance provided by the states or humanitarian agencies. Sustainable solutions require national policies that ensure robust access to economic, social, civil, and cultural opportunity and the full protection of the law.

### **3. Asylum Access emphasizes the importance of including refugee voices, and urges the GCR to establish methods for refugees to participate in policy decision processes**

Host government leadership is key in transforming the lives of refugees, but host governments may meet challenges that require technical assistance and collaboration to resolve. By enabling refugees to contribute as advocates for their own autonomy in these processes, aided by locally-led NGOs, policies will be formed that benefit the social and economic lives of both refugees and host communities.

States should create avenues for refugees and civil society to actively participate in the establishment of governance frameworks at various steps in national, municipal, subnational, regional and global processes. When designing governance frameworks, governments and other decision makers should support venues for meaningful input and accountability, such as advisory or oversight committees, that involve members of both refugee and host communities.

### **4. Asylum Access encourages the GCR to affirm the value of local integration solutions**

To rebuild their lives and achieve self-reliance, refugees need access to economic, social, civil, and cultural opportunity on an equitable basis with others. It is critical to refugees' autonomy, enable them to contribute to their host countries, and allow them to build futures and live with dignity. Where refugees are given the freedom to participate in the economies, societies and civic life of their host countries, they return manifold economic benefits.

Refugees without access to economic, social, civil, and cultural opportunity endure isolation, loss of confidence and erosion of skills. As refugees spend an average of over 20 years in exile, the right to lawful stay, ability to move safely and freely, gain employment, access state and private services in host countries is essential, regardless of their eventual destination or current establishment.