

NGO statement on the oral update on the Executive Committee Conclusion

Dear Chair,

This statement is delivered on behalf of a wide range of NGOs.

NGOs welcome the Executive Committee's **renewed efforts to develop Executive Committee Conclusions** and the topics selected for its programme of work. We appreciated the opportunity to share our analysis with the ExCom Rapporteur and UNHCR on the main aspects of the Conclusion on International Protection and Durable Solutions in the Context of a Public Health Emergency this year. We reiterate NGOs' strong support to the process and welcome further ways to engage to bring our expertise and experience to a robust Conclusion.

ExCom Conclusions play a critical role in furthering the international protection regime. However, to successfully fill identified gaps in international protection, ExCom members must ensure that international protection remains at the heart of their negotiations over any other goals or interests, including individual State interests.

The focus of this year's ExCom Conclusion is extremely timely during the global COVID-19 pandemic. NGOs welcome its forward-looking approach for other possible public health emergencies. In upholding international law, and the principle of *non-refoulement*, NGOs wish to re-emphasise that any necessary limits to entry to a territory during a public health emergency must be temporary, non-discriminatory, and not impinge on the right to seek and enjoy asylum. Any such limits must only be put in place when there are unavoidable public health concerns.

The challenges faced by States to ensure the health and well-being of all those on their territories have been immense. While the virus does not discriminate, unfortunately, States' responses to COVID-19 have not always treated everyone equally on territories with, in too many cases, exacerbated many existing inequalities, particularly for diverse ages and genders of forcibly displaced people.

The COVID-19 pandemic restrictions have disproportionately impacted women and girls with increases in gender-based violence. The Conclusion must, therefore, ensure that any responses to public health emergencies do not discriminate against persons of different ages, genders, or other diversities, including disabilities. The Conclusion must also include equal access to health care, including sexual and reproductive health and rights, and vaccinations for *all* individuals on a State's territory.

We call for the final ExCom Conclusion to recognise the increased risks of gender-based violence and the reduced access to education, particularly for children, which have been seen during COVID-19. Girls have been seen to be at risks. The Conclusion should also include the need to address mental health and psychosocial support and facilitate self-reliance. The Conclusion should find ways to mitigate these impacts now and for the future.

UNHCR's COVID-19 Platform on temporary measures and impact on protection¹ shows very concerning data and trends worldwide. While health measures must be respected during any public health emergency, these measures must *not* be used to deny access to territory or asylum procedures. Thirty-seven States have respected international legal standards and allowed access to territory for asylum-seekers, despite health measures in place. Free access to territory and asylum procedures must be guaranteed even during a public health emergency and should be included in the Conclusion.

Additionally, the emphasis on responsibility-sharing among States in the Conclusion is key. It implies the centrality of protection at the core of each decision and action taken and includes for examples the use of resettlement and complementary pathways, funding, partnerships with various stakeholders.

Along with responsibility-sharing, we call for the key and complementary roles that NGOs and refugee-led organisations have played in responding to public health emergencies to be emphasised in the Conclusion. Our role has been important in responding to humanitarian emergencies and the pandemic simultaneously, with shrinking resources. Responding to a humanitarian crisis is challenging. Effectively responding during a public health emergency is further complicated, particularly when access to health care is not always equitable; humanitarian workers are targeted and even killed while working; and access to vaccines, unfortunately, remains disproportionate globally.

NGOs play a critical role in mass vaccination campaigns in humanitarian responses. NGOs are effective partners and allies for vaccination campaigns. Any funding for vaccination plans in public health emergencies should not reduce the funding available for humanitarian responses and we call for this critical point to be reflected in the Conclusion as well as that vaccination status should not prevent access to asylum, particularly when accessing vaccines is not always possible.

Likewise, durable solutions must not be put on hold during a public health emergency. The Conclusion should call upon States to uphold their commitments to durable solutions, including those made during the first Global Refugee Forum, even during a public health emergency.

The **inclusion** of refugees, internally displaced persons, and stateless persons in national response plans is critical as the inclusion in terms of access to health care, including sexual and reproductive healthcare and rights, in national vaccination plans, and importantly in the workforce to respond to public health emergencies, as they bring critical skills. Public health emergencies do have health consequences, but also long-term social and economic consequences; inclusion in economic recovery plans, livelihoods, and education services are crucial and have the potential to help respond effectively to a public health emergency, reduce dependency, and ensure access to fundamental rights.

Finally, NGOs reiterate our commitment to contribute to the Conclusions process and look forward to the final version including the points we have raised. Given the critical nature of this year's Conclusion – amid the pandemic – it can have a positive impact on the way in which States respond to those persons of concern in this public health emergency. We look forward to the Conclusion helping to pave the path for next year's Conclusion on mental health and psychosocial support, an area where NGOs also stand ready to share their expertise.

Thank you, Chair.

¹ See UNHCR's COVID-19 Platform on temporary measures and impact on protection (last update 7 September 2021): https://im.unhcr.org/covid19_platform/