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UNHCR REMARKS ON AGENDA ITEM 6(a)

International Protection and Durable Solutions in Public Health Emergencies

This conference room paper describes some of the key challenges around ensuring **international protection and durable solutions in public health emergencies**. Drawing on the **immediacy of the COVID-19 pandemic – but also on operational experience of previous scenarios of ebola, cholera and other public health challenges** - it identifies ways to **address** those challenges, including based on promising practices observed in many member States over the past 12 months.

The High Commissioner's Dialogue, reflecting the **Global Compact on Refugees**, highlighted the vital role that many **stakeholders** have played in advancing protection and solutions during COVID. Particularly important are the contributions of refugees, other displaced and stateless persons to their host communities – including in reinforcing public health responses to the virus.

The paper's theme coincides with the first topic on the **multi-year workplan for Executive Committee Conclusions** adopted by ExCom in 2020. UNHCR hopes that the paper will provide a useful source of information and references to aid Member States in their reflections and discussions in the weeks ahead on a proposed ExCom conclusion on the topic.

While COVID19 has impacted all countries and communities, persons of concern to UNHCR are among those **particularly affected** by the pandemic. Many displaced and stateless persons live in conditions which prevent them from observing social distancing or hygiene measures. The face **increased infection risks**. The paper notes that **access to health** care in practice is an **essential precondition** to the enjoyment of rights that underly the quality of international protection and the ability to achieve durable solutions in the longer term.

The paper acknowledges that many States have extended COVID-19 health services to refugees and others of concern. Most States are willing to work towards further inclusion, but some need **financial, technical, or other support** to address the health needs of their own nationals alongside those of forcibly displaced, returned or stateless persons. UNHCR's advocacy for inclusion in **national vaccination plans** goes hand in hand with continued support, recognizing the many resource and logistical challenges that States face.

The paper recognises the crucial responsibility States carry to **protect the best interests of their citizens**. In a public health emergency, they may take lawful measures that **limit the enjoyment** of certain rights - provided these limits are necessary, proportionate and non-discriminatory. Some rights, however, including protection from **refoulement**, can never be subject to derogation.

The paper notes that health concerns do not justify the systematic use of immigration detention, recalling widely documented risks of infection in overcrowded and inadequate detention conditions. Recognizing this, it welcomes measures by several States in 2020 to release people and their willingness to explore and expand alternatives to the detention of asylum-seekers and migrants.

Many States had to suspend the **regular functioning of their asylum and registration systems**. Encouragingly, most have since resumed full or partial operation, including remotely with the aid of technology. More international cooperation and support are needed to enable countries with limited resources to develop and implement such arrangements.

The socioeconomic consequences of the pandemic have disproportionately affected refugees, other displaced and stateless people, many of whom have been the first to lose their livelihoods. UNHCR has reinforced cash assistance and worked with development and other partners to boost self-reliance and livelihoods throughout the crisis.

Confinement has contributed to a global spike in **gender-based violence**. UNHCR has stepped up responses, including remote support. **Child protection** intervention have been challenged to respond to **widespread and devastating recourse to negative coping strategies**. The need for proactive and inclusive approaches to ensure the inclusion of people with disabilities, older people, minority and indigenous communities in responses have become particularly evident over these last months.

Attaining **durable solutions** has faced challenges linked to COVID-19 - **voluntary repatriation** has been hampered by border closures; **resettlement** departures slowed; innovative thinking on **integration**, and on **labour and educational** pathways was put to one side. Redoubled efforts are evidently needed to resume and expand solutions in the future.

The paper concludes with a **non-exhaustive list** of **possible elements** for an Excom conclusion, including:

- The importance of ensuring that measures to protect health reflect international law;
- Challenges and opportunities affecting refugees, displaced, stateless persons and host communities, under COVID; (including its impact on women and girls, and increased gender-based violence);
- The importance of international cooperation in addressing health emergencies;
- Access to treatment, vaccination programmes and other services;
- Inclusion in post-pandemic recovery plans, including to promote solutions; and
- Communication with persons of concern.

UNHCR looks forward to working closely with Member States and the rapporteur in working towards a conclusion on this topic.