

Help Refugees' Response to the First Draft of the Global Compact on Refugees April 2018



Introduction

Help Refugees is a grassroots organization that operates a fieldwork-first, networked approach to aid.

We were established in 2015 to fill the gaps in services left by governments and larger non-governmental organizations. We work with local partners to identify pressing needs, and build the capacity of grassroots organisations who are working in response to them. As a result, we are able to support displaced people in spaces where governments and larger non-governmental organisations can't – or don't – act.

We are independent and receive no government funding, which enables us to respond with speed and flexibility to changing circumstances on the ground. At present, we support over eighty grassroots and local-led projects in ten different countries, across Europe and the Middle East.

Our work, and that of our implementing partners, spans emergency response, long-term and inclusive solutions, and advocacy work. Everything we do is motivated by our core values of **dignity, hope, respect and humanity**.

Comments

We welcomed the cooperative commitments made by states in the New York Declaration, and strongly support the development of a Global Compact/Programme of Action that reflects the strength of these pledges. We note, with appreciation, many of the alterations to the Zero Draft that have been made - particularly the removal of qualifying language throughout - and feel that the First Draft embodies several steps in the right direction.

Nonetheless, there remains room for improvement, some of which we indicate below.

1. Help Refugees welcomes the increased references to the international refugee protection architecture, and the explicit affirmation of non-refoulement in I.4. However, the conditions of voluntary repatriation in Section 3.1. require further explanation, and should prioritise the protection and rights of refugees and asylum seekers.

The First Draft prioritises “the exercise of a free and informed choice” with regard to voluntary return, but does not indicate the conditions which this choice should meet in order to be considered “free and informed.” There should be explicit reference to the provision of legitimate and safe alternatives, which would allow the full realisation of an individual's rights, to ensure that the choice

is not one between destitution and danger.

2. Help Refugees is concerned that the lack of clarity on commitments may compromise the mutual trust and accountability that is needed for fair and equitable responsibility sharing.

There is still a lack of clarity about *who* will take responsibility for *what*, and *when*. While this is understandable, given the diversity of situations that will arise and the range of stakeholders who will be involved, it also presents accountability challenges.

In B. 1.2. 46., for example, it is unclear who would take responsibility for the provision of essential services (including clean drinking water and WASH facilities) - as well as how this responsibility would be allocated, and what would happen in the event of a dereliction of duty. It is difficult to hold an organization to account when there is no framework through which to do so.

Operational guidance should be issued (and regularly updated) for each situation, to ensure that basic needs are met and that the allocation of responsibility is clear.

3. Help Refugees would welcome greater detail on the triggering of the Global Support Platform, alongside additional information on its role and functions.

We echo the call of the NGO coalition, who say that “it is imperative that the GSP be mandated to translate pledges into predictable and equitable responses that prevent or reduce gaps in support, and extend the ability to apply knowledge management policies and best practices in partnership with countries hosting refugees. In this regard, greater detail in the text as to how the platform will be triggered would ensure transparency in the functioning of the GSP.”¹

4. Help Refugees calls for a greater commitment to vulnerability-sensitive protection measures - especially access to justice - for refugees, asylum seekers, IDPs and people on the move.

This is particularly apparent in Section B. The provisions in B. 1.3. 48 and B. 1.4. 49 prioritize state security measures, including screening and data collection, over the protection needs of refugees and asylum seekers. There should be equal emphasis on measures that prevent misconduct and abuse by authorities.

Furthermore, B. 1.6. must place the emphasis on asylum procedures being fair - as well as efficient - and ensure that asylum seekers have access to due process.

Vulnerability-sensitive pathways for judicial redress - whether for mistreatment by authorities, or by other actors - should be identified, and integrated in to the Global Compact in any future drafts.

¹ <http://www.unhcr.org/uk/events/conferences/5ab3cf6c7/ngo-reaction-first-draft-global-compact-refugees.html>

5. Help Refugees urges the international community to recognise the protection needs of Internally Displaced People (IDPs), and integrate them into forthcoming drafts.

IDPs are the invisible majority of the world's displaced population. To its discredit, the First Draft (as the Zero Draft before it) perpetuates their invisibility.

Many refugees are internally displaced first, and many returning refugees are subsequently displaced. The protection challenges that they face, whether in camps, urban areas or informal settlements, overlap significantly. The vast majority of Section B of the Global Compact, for example, could apply to IDPs as to refugees. It should be made clear that the suggestions and commitments that it contains should be extended to the support and protection of IDPs, to ensure that they receive adequate and appropriate assistance.

The holistic aspirations of the Global Compact should recognise and be sensitive to the suffering of IDPs, and be modified to ensure that their protection needs are met. To this end, IDPs must be given the opportunity to contribute to the Global Compact.

Conclusion

As an organization that works with displaced people – regardless of whether they are legally defined as refugees, IDPs or migrants – across two continents, we believe that the Global Compact on Refugees and on Migration provide a unique opportunity to redress some of the flaws in the present international system. We are ready to support UNHCR, Member States, local and grassroots organizations, communities and other relevant stakeholders in realizing and implementing the expectations contained in this document.

We are striving towards a world where dignity, hope, respect and humanity are placed at the heart of the support offered to displaced people. The Global Compact is an opportunity to do centralize these aspirations, and we look forward to reading the next Draft.