



*Permanent Mission of Brazil to the United Nations Office
and other international organizations in Geneva*

**10th Annual High Commissioner's Dialogue on Protection Challenges
Brazil
Written contribution**

General Debate

- As we move closer to the formal consultations on the Global Compact on Refugees, the international community must rise to the challenge collectively and work to achieve an ambitious and meaningful outcome.
- The Global Compact will provide us with an opportunity to move from the prevailing paradigm of burden-shifting to a collaborative framework of cooperation. Such a change will require not only wider technical and financial support to developing countries hosting large populations of refugees, but also a major commitment, from all States, to expand durable solutions and complementary pathways for admission, according to the capacity of each country.
- Support to host countries must help them to strengthen their asylum systems. Status determination procedures must identify and address the needs of vulnerable persons, especially women at risk, children, persons with disabilities and stateless persons.
- Innovative and sustained financing is also in order. Host countries must have access to financial resources that allow them to boost service provision both to refugees and host communities, including health, education and social protection, as well as to promote livelihoods and self-reliance. Such measures are crucial to ensure refugee inclusion and to prepare the ground for future solutions.
- We should not forget, moreover, that proper responsibility-sharing requires giving refugees the opportunity to seek protection in countries other than neighboring ones. It is important, in this regard, to bolster options such as resettlement, humanitarian admission, family reunification, scholarship programmes and labor mobility schemes.
- Brazil will have the honor to host, in February, the Latin American and the Caribbean Regional Consultation Meeting on the Global Compact on Refugees. The meeting will allow our region to incorporate our visions and practices to the programme of action. We stand ready to play a constructive role throughout this Dialogue and next year's formal negotiations.

SESSION 1 – Reception and admission

- Brazil believes that the establishment of a Global Refugee Response Group may contribute to a more agile and coherent response to large movements of refugees. Considering that each situation may require a different pool of supporting States and organizations, it is important to maintain flexibility with regard to the composition of the Group, in order to ensure that the relevant actors are on board.
- It is crucial, moreover, that all the initiatives to be promoted by the Group are decided and undertaken in consultation and coordination with the host country. The Group's actions

should aim at strengthening, supporting and complementing Government response, not at replacing it.

- Brazil supports the proposal of holding solidarity conferences. Taking into consideration the differing capacities of States, we suggest that non-financial pledges, such as in-kind food and medical supplies donations, as well as technical cooperation initiatives, as applicable, could be encouraged. In this regard, UNHCR and other UN agencies could facilitate twinning arrangements between developed and developing countries. A transparent follow-up mechanism should also be envisaged to each conference.

- In establishing an asylum capacity support group, UNHCR could draw from the experience of the “United Nations Disaster Assessment and Coordination” (UNDAC). UNDAC teams are comprised of stand-by experts appointed by member or observing countries. Deployments provide opportunities for experts to enhance their knowledge and to apply lessons learned, upon their return, in their own countries.

SESSION 2 – Meeting needs and supporting communities

- Brazil supports the idea of conducting a mapping exercise to measure and assess the needs, contributions and costs of hosting refugees. We believe such exercise will contribute to more equitable responsibility-sharing arrangements.

- Brazil welcomes the engagement of the World Bank, as well as of other multilateral and regional financial institutions, in supporting developing countries that host refugee populations.

- Financial support to developing countries hosting large populations of refugees is key to ensure adequate responsibility-sharing. It cannot, however, be seen as an alternative to fulfilling obligations under international law with respect to the admission of refugees, in particular the provision of regular and safe pathways to access territory and asylum procedures.

- Brazil supports the inclusion of refugees in national systems and services. We believe that the establishment of parallel structures to support refugees is not only costly, but may have undesired long-term outcomes for refugees and host communities. Wherever feasible, integration and inclusion policies are preferable.

- Special support should be offered to municipalities, since they are often the first responders and service providers in emergency situations. Besides presenting an opportunity for cities to beef up public services, refugee flows can be a catalyst for urban planning initiatives, as well as for urban policies related to housing and land tenure.

- UNHCR and host countries should pay particular attention to the provision of mental health services, in order to address trauma and build resilience.

- We support the implementation of ILO’s Recommendation No. 205, concerning employment and decent work for peace and resilience, and the Guiding principles on the access of refugees and other forcibly displaced persons to the labour market.

- Stronger emphasis should be placed on the generation of economic opportunities for refugees.

- Particular attention should be given to ensuring the livelihoods of women. Experience has shown that policies focused on women are effective tools to reduce the risk of poverty.

- We consider that cash-based interventions have a positive role in preserving individual autonomy and supporting local economies. It helps refugees to rebuild their lives according to their own priorities. Moreover, it discourages child labor and keeps children in school.

SESSION 3 – Measures to be taken in pursuit of solutions

- Brazil welcomes the proposal to frame voluntary, safe and dignified repatriation initiatives in tripartite agreements. We suggest that, building from lessons learned, UNHCR takes stock of past experiences, with a view to establishing guidelines to future agreements.
- In order to incorporate a responsibility-sharing perspective, such agreements may need to go beyond the three traditional parties. In most cases, both the host and the country of origin are developing nations that might face difficulties to promote reintegration. We agree with the idea to establish regional platforms to support tripartite agreements, but it could be useful to create broader arrangements, including countries and organizations willing to support return efforts technically and financially.
- Brazil agrees that reintegration efforts must be aligned with national development plans. National ownership is key to the effectiveness of such initiatives.
- We call attention to the gender dimension of return initiatives. In protracted situations, women are likely to take on new economic roles as heads of families. Reintegration efforts should preserve and foster the economic empowerment of returning women.
- We welcome the reference to the “Emerging Resettlement Countries Joint Support Mechanism” (ECRM). We believe that ECRM is an excellent example of how innovative tools can promote international cooperation, providing financial and technical support to emerging countries willing to engage in resettlement.
- Brazil also welcomes the suggestion that States dedicate at least 10% of their resettlement programmes to emergency cases identified by UNHCR. Such measure reinforces the idea that resettlement should, first and foremost, be guided by protection needs.
- In our view, the consolidation of complementary pathways for admission is one of the most important contributions of the future programme of action to the existing refugee protection edifice.
- Complementary pathways should not be regarded, however, as substitutes for durable solutions. Complementary pathways can be followed by durable solutions or be applied simultaneously. Complementary pathways can also build on each other.
- Refugees benefitting from complementary pathways are entitled to the same protection standards enshrined in international refugee law.
- Temporary arrangements, especially labour mobility schemes, must include safeguards against “refoulement” upon conclusion of the period of stay.
- Based on our domestic practice, Brazil encourages the issuance of visas on humanitarian grounds and the establishment of broad eligibility criteria for family reunification.
- In some situations, the facilitation of visas may be insufficient if not accompanied by the provision of valid travel documents. Such provision may make a crucial difference in the lives of stateless refugees, who may otherwise not be able to leave their places of origin.
- The inclusion of refugees should be ensured at the outset. In Brazil, refugees have access to health, education and the permission to work as soon as they formally apply for asylum. They are also entitled to cash-transfer social protection programmes, such as the “Family Allowance Programme” (“Programa Bolsa-Família”).
- Ensuring the freedom of movement within the host country’s territory is not only a way to preserve a fundamental right of refugees, but also to alleviate the impact of refugee flows on border populations. In addition to the pertinent international refugee law standards, it is important to recall that, on its General Comment n. 27, the Human Rights Committee has stated that “everyone lawfully within the territory of a State enjoys, within that territory, has the right to move freely and to choose his or her place of residence”.
- A holistic approach to the implementation of the Agenda 2030 for Sustainable Development is required to address development needs of host communities.

SESSION 4 – Contemporary protection challenges

- Status determination procedures should identify and address the needs of vulnerable persons.
- Referral procedures for persons with specific needs (women at risk, children, victims of trafficking and violence, persons with disabilities and older persons) should, to the extent possible, build on existing national services and be designed with a view to strengthening them.
- Specific protocols to address the needs of vulnerable groups should be formulated and put in place, in coordination with national authorities. The experience of regional organizations may be useful in this regard. We call attention, for instance, to Mercosur protocols on women victims of trafficking (“Guía Mercosur de atención a mujeres en situación de trata con fines de explotación sexual”) and migrant children (Guía Mercosur de identificación y atención de necesidades especiales de protección de los derechos de niños y niñas migrantes”).
- We welcome the proposal to identify tools to facilitate access by refugee children to legal documentation, as a means to ensure their access to other rights.
- Brazil has recently adopted a resolution that establishes a special procedure to determine specific protection needs of unaccompanied or separated refugee and migrant children, to be conducted by the Public Defender’s Office. The special procedure is guided by the principles of best interests of the child and non-criminalization. It safeguards the right to be consulted, informed and legally assisted.
- As a member of the Group of Friends of the Global Campaign to End Statelessness, Brazil believes that screening processes should encompass stateless determination procedures. Such measure would enhance their protection.
- Considering that statelessness may prompt displacement, Brazil considers that the programme of action should encourage UNHCR to continue supporting countries to review nationality laws and fulfill legal gaps.
- Brazil believes that the programme of action should take into consideration the needs of persons with disabilities. Registration processes should identify persons with disabilities, without imposing on them the burden to present medical certificates for proof of disability. Such processes should, moreover, be capable of assessing disabilities that are not readily identifiable. Accommodation facilities should be accessible and offer safe spaces. Persons with disabilities should receive proper medical assistance and have access to assistive devices. They also should be given priority, alongside other vulnerable groups, in resettlement programmes and complementary pathways for admission.

SESSION 5 – Complementarity between the global compact on refugees and the global compact for safe, orderly and regular migration

- While different in nature, large movements of refugees and migrants require common human rights-centered approaches. In light of current obligations under international human rights law, both Global Compacts should convey a strong message against the criminalization of irregular entry or stay. Both should, moreover, encourage measures to avoid the resort to detention as a strategy of initial accommodation of refugees and migrants. They should also emphasize the social, economic and cultural inclusion of refugees and migrants, as a means to ensure access to fundamental rights and counter intolerance and discrimination.
- The promotion of regular, safe and orderly migration pathways will potentially unload the current burden on asylum systems. Persons not in need of international protection would

likely resort to such pathways, rather than seeking to obtain regular stay through asylum applications. That would result in more credible and expeditious asylum systems.

- Given that large-scale displacements are often of a mixed nature, the strengthening of the collaboration between UNHCR and IOM will be crucial in the aftermath of both Global Compacts. The two organizations will have to coordinate efforts, in order to avoid duplication and to maximize results.

SESSION 6 – Strengthening burden and responsibility-sharing

- Strong leadership from both UNHCR and the country of origin was a key element in past successful responsibility-sharing experiences. We recall, in this regard, the remarkable role of Brazilian Sérgio Vieira de Mello in negotiating and implementing the “Comprehensive Plan of Action for Indo-Chinese Refugees”. Future arrangements will require active involvement of UNHCR’s senior management, as well as close collaboration with countries of origin. Best practices have also shown the importance of regional support and ownership by the involved States.

- UNHCR should be more precise in describing possible drivers of forced displacement. The concept of “fragility” is not consensual and focuses excessively on institutional shortcomings.

- The programme of action should corroborate the call made by the United Nations Secretary-General to set prevention as a top priority.

- As a member of the Steering Group of the Platform on Disaster Displacement, Brazil welcomes the reference to the Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change. It recommends protection initiatives that States can build on.

- Although they can aggravate situations conducive to forced displacement, climate change, environmental degradation and disasters cannot be properly characterized as root causes of refugee movements. Situations where these factors are preponderant drivers of displacement will generally not fall within the scope of the 1951 Convention and its refugee definition.

- Brazil encourages States to support the implementation of the United Nations Programme of Action on small arms and light weapons. We also stress the importance of instruments such as the Arms Trade Treaty, Protocol V of the Convention on Certain Conventional Weapons and the Ottawa Convention on Anti-Personnel Mines

- Brazil welcomes the idea to establish a global network of mayors and cities committed to refugee protection and integration. We recall that the New Urban Agenda, adopted in 2016, calls for the inclusion of refugees in existing city structures and services. We believe such network would be an excellent platform for the exchange of good practices and the development of innovative solutions.

- Regarding the role of universities, we recall that, since 2003, UNHCR coordinates, in Brazil, a successful academic alliance called “Cátedra Sérgio Vieira de Mello”. It congregates almost 20 universities, with a view to promoting research and capacity-building in refugee-related issues, as well as to fostering the access of refugees to academic programmes and language courses. Such experience could feed into the proposal of establishing a global refugee academic alliance.

- While recognizing the fundamental role of the private sector, we call attention to the need to align partnerships with private entities to the priorities, principles and purposes set by UNHCR and the international community, in order to avoid potential conflicts of interest.

- We acknowledge the importance of regional institutions in addressing large movements of refugees. Their role may range from the development of normative standards

and operational protocols to the mobilization of support and assistance to refugees and host communities. They also provide an excellent platform for the exchange of lessons learned and successful practices.

- In South America, the Meeting of Presidents of National Refugee Committees is illustrative of the advantages of regional approaches. It consists of a forum in which States can share views to enhance national determination procedures and coordinate their response to humanitarian crises, including the establishment of complementary pathways of admission.