

NGO intervention on Programme of action: Areas in need of support – meeting needs and supporting communities (Part III.B.2)

Agenda item 4

Dear Chairperson,

This intervention has been drafted following wide consultations with NGOs, and reflects a diversity of views within the NGO community.

We note that the section, **meeting needs and supporting communities**, has progressively evolved, and now presents a more solid basis for improving refugees' and host communities' socio-economic conditions and their access to quality services, while calling for increased support for host countries in this endeavour. Stronger mainstreaming of age and gender, specific sub-sections on children and social cohesion are positive developments, although we believe youth considerations¹ still need to be better reflected. We urge the inclusion of a stand-alone paragraph on refugees with disabilities to ensure the full inclusion and meaningful participation of persons with disabilities and their representative organizations in planning, implementation and monitoring of response². Encouraging the engagement of refugees themselves as teachers or health workers recognises and valorises their potential. While there is still scope to improve, the task now will be to transform these words into reality. In this perspective, the role of national systems will therefore be crucial, and these must remain inclusive of all persons of concern especially refugees. However, we note that most references to SDGs have been dropped, except from the *chapeau*. SDGs give the compact a universal and inclusive character. In this section, they are now only mentioned indirectly in relation to refugees. SDGs reflect a collective ambition, and it is everyone's responsibility to ensure refugees are not left behind.

We also appreciate that the second draft now underlines the importance of needs-based humanitarian assistance and explicitly refers to humanitarian principles. However, we highlight that purely development concepts such as the "primacy of country leadership and ownership" can at times conflict with those humanitarian principles. The Compact must guarantee humanitarian actors the flexibility to work independently of state structures, where doing so is the only way to reach populations in need. Increasing bureaucratic impediments, however, are hindering NGOs ability to deliver impartial assistance. As such, underlining that international humanitarian law obliges duty bearers to facilitate access to impartial and humanitarian assistance would be useful. There is also a need to emphasise the importance of refugee communities' ownership of the processes, alongside ownership of the countries.

¹ For specific recommendations on **youth**, see a briefing paper developed by the Multicultural Youth Advocacy Network (Australia): *MYAN Response to Draft 2 of the Global Compact on Refugees (May 2018)*.

² For specific recommendations on **persons with disabilities**, see a briefing paper developed by the International Disability Alliance: *Recommendation from the International Disability Alliance towards the Global Compact for Refugees*.

More specifically, on **education**, we welcome the focus on improving the quality of education as well as expanding educational facilities and capacity. But we note that the programme of action fails to articulate any meaningful measure to close the financing gap in practice. It would be useful to undertake a global costing exercise aimed at improving learning outcomes for refugee and host communities. These could be based on national cost estimates and use common costs to achieve a degree of comparability. Such costing exercises should also include NGOs with relevant expertise. In addition, inclusion of refugees in national education sector plans is vital. The programme of action should therefore rapidly increase technical and material support to countries committed to including refugees in national education sector plans.

Providing education for refugee children and youth means investing in durable solutions. Education, for refugee families, is tied to aspirations of moving beyond the vagaries of a refugee status, and to which they attach great importance. Thus, it is vital that all efforts are geared not only towards improving access to educational opportunities, but also towards removing barriers to education. A further reference to ensuring that education facilities themselves will also be disability- and gender-responsive would further strengthen this section, as this would go a long way to ensuring that children with disabilities and girls who need to have access to gender-separated washrooms and bathroom facilities are able to continue their education as well. Safety-related barriers are obvious concerns, but for girls, lack of sanitary and hygiene products may also prevent them from going to school.

Adult learning for women, men and older persons is also equally important so that they can exercise their ability to be self-reliant. When children, youth, persons with disabilities and adults are not able to avail themselves of inclusive and accessible formal educational opportunities, provision of vocational training will be vital. Efforts should also be made to ensure that schools and learning institutions are strictly protected as peace zones. We welcome inclusion of scholarships to third countries and recommend that students receive swift access to travel documents and visas. In this regard, pledges could also be invited from universities to offer refugee scholarships. Lastly, in paragraph 72, we urge that youth should also benefit from financial support and special efforts aimed at minimising the time they spend out of education.

Jobs and livelihoods now incorporate positive comments including support for job creation, especially for women and young people, training programmes and market analysis to identify gaps and prospects. These will require refugees to access work permits and skills certification. In-country freedom of movement for refugees will also need to be guaranteed to allow them to take up opportunities and contribute to local economies. NGOs also support the call to help close the technology gap in host countries, although we would request that this is associated with reinserting language on internet connectivity and access to new technologies for host communities and refugees.

Recognition of refugees' economic potential has been a key development in recent years. But it must not shift exploitation from the informal to the formal sphere. It is vital therefore to include references to States' duty to protect and businesses' responsibility to respect labour rights and standards, beyond the current references in footnote 52. In this regard, despite genuine interest in the value-added the World Bank's new role in forced displacement may bring, NGOs are puzzled by recent media articles highlighting a suggestion allegedly made to lower workers' rights as a means to boost employment. At a time when we need safeguards to ensure refugees have access to fair and decent work, this would be misguided. Furthermore, while focusing on employment creation, it is vital to ensure that rural refugees with limited marketable skills do not lose out. Similarly, all refugees may not be comfortable with accessing financial products including bank accounts and may require training and support. Access to

safe and lawful work must be paired with provision of information and training in order to move refugees towards self-reliance and autonomy.

We note that the section on **health** now contains several welcomed additions, for example, related to older people, and those with chronic illnesses. However, it does not include reference to a basic package of health services for refugees. Although reference to facilitate access to primary, secondary and tertiary health care is made, we believe it is vital to guarantee the right of refugees to basic healthcare including by abolishing user fees and removing obstacles to access such as lack of documentation. We reiterate that support for translation facilities for refugees in hospitals and health centres, including access to female translators, is crucial, especially during large movements of refugees.

Several NGOs have renewed their call to include sexual and reproductive health care for women and girls, particularly as part of life-saving medical care for survivors of sexual and gender-based violence. Healthcare services should include comprehensive post-rape care and emergency services, antenatal and safe delivery care, post-natal care, services to prevent infections (including HIV), and services facilitating early diagnosis and treatment of reproductive health illnesses (including breast and cervical cancer). Further, the increased risks of sexual and gender-based violence for refugee girls and women in transit, as well as while living in refugee settings, results in a correlative increase in healthcare needs. Post-rape care and emergency services can mean life or death for a survivor of sexual violence.

We note that the second draft further strengthens the sections on **gender**³ and **children**⁴. Addressing barriers to women and girls⁵ participation and leadership is vital and we are glad to see this specifically mentioned. Preventing early and forced child marriage is paramount as should preventing domestic unpaid labour, and these must get due attention in future drafts. Efforts could also be made to combat societal gender prejudices and strengthen accountability for gender-based crimes. Developing and maintaining safe reporting mechanisms for survivors will be important in this regard. Specific needs and vulnerabilities of men and boys must also be addressed. We welcome a specific subsection on children and would encourage that this also comprehensively considers the needs of adolescents and young people of all ages, gender-identity, and disability status. As such, this section could be renamed, “*children and youth*”, and its content adapted to cover both child-and youth-specific issues. It should make an explicit reference to the need for services for refugee and host-community children to be gender-and disability-responsive as well as age-responsive and child-friendly. In line with the principle of non-discrimination, a fundamental pillar of the Convention on the Rights of the Child, refugee children and youth must have the same levels of protection as those enjoyed by nationals. This must be reflected in national child protection systems, and national and local authorities should be sensitised to support youth-specific and youth-sensitive procedures and prioritise cases that concern unaccompanied and separated young people. Efforts must also be made to uphold the protection and respect for the rights of children and youth and ensure family unity at all times as separation, even for short periods of time, can have a particularly devastating impact on children and youth, marking their entire lives.

³ For specific recommendations on **age, gender and diversity**, see a briefing paper developed by Plan International: Global Compact on Refugees: Response to the Second Draft – Consideration during the Fourth Formal Consultation.

⁴ For specific recommendations on **children**, see a briefing paper developed by the Initiative for Child Rights: *Recommendations following Draft Two of the Global Compact on Refugees*.

⁵ For recommendations on **women and girls**, see a briefing paper developed by the Women’s Refugee Commission: *Suggestions related to Women and Girls for the Second draft of the Global Compact on Refugees (30 April 2018) as of May 5, 2018*.

Investments to close the technology gap as well as safe access to fuel and energy are positive elements in the section on **accommodation, energy, and natural resource management**. We, however, wonder why the reference to waste management was deleted. It is vital that support for investments in technology and renewable infrastructure benefit refugees, otherwise this risks detracting from the core objectives of the compact. In providing housing and other facilities to refugees, disaster risk reduction and climate change adaptation measures must be comprehensively considered. Refugees often occupy marginal lands that are particularly exposed to natural hazards. As part of disaster risk reduction measures, refugees must be included in local disaster management plans and simulation exercises. They must also be supported to adapt their livelihood strategies in the context of slow onset disasters.

In the subsection, **food security and nutrition**, we welcome gender and age-responsive food assistance. We also support nutrition-sensitive school feeding programmes. While food assistance is important, efforts must also be made to improve social protection for refugees. Access to unconditional cash transfers would allow refugees the freedom to choose and offer them the opportunity to invest in productive activities. As much as possible, refugees should be included in national social safety nets without necessarily creating parallel services.

Under **civil and birth registration**, we would urge that children's fundamental right to birth registration is underlined, and specific mention should be made to the rights of children/persons with disabilities. It serves as a key protection tool for unaccompanied minors and separated children, and should be duly reflected in this paragraph. Efforts must be also made to ease the process of registrations including by providing information and eliminating burdensome documentation requirements.

We take this opportunity to repeat our disappointment that the second draft does not specifically call upon States to accede to the 1954 Convention on the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. We would urge that next iteration mentions this explicitly. The New York Declaration recognises statelessness as a cause and consequence of displacement. States should also be called upon to remove discriminatory nationality laws, including those based on gender that contribute to statelessness.

Finally, we welcome the new subsection on **social cohesion**, which aims to mobilise support to promote co-existence and good relations between host and refugee communities. These must, however, go beyond sports and cultural activities to include support for combating racial discrimination and xenophobia. Moreover, recognising that arrival of large refugee populations affects host populations in different ways, creating both winners and losers, such social cohesion programmes could particularly focus on those who are negatively impacted.

On this note, we thank you Chair, for the opportunity to offer comments on this key agenda item.