

**NGO intervention on areas in need of support: reception and admission**

**Agenda item 1**

Dear Chairperson, distinguished delegates, ladies and gentlemen,

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

To begin with, we commend UNHCR for outlining, in greater detail, areas where countries hosting large refugee populations will need support. This section now, we believe, presents a more robust framework to mobilise support for host countries. A stronger emphasis on developing national capacities to manage arrivals, promoting a gender- and age-sensitive response, and attention to specific needs of stateless persons, victims of trafficking and sexual and gender based violence (SGBV) respond to concerns expressed by stakeholders, including NGOs, at the first formal consultations. Though much work remains, half way through the formal consultation process, we seem to be moving towards a global compact that will have the potential to bring predictable and inclusive responses, in line with international law.

As general comments, NGOs consider that the programme of action could go further in mainstreaming a human-rights approach. For instance, there is still scope for areas of support to better reflect human rights concerns of women and girls, young people, elderly and people living with disabilities as well as vulnerable groups and individuals, particularly unaccompanied minors and separated children. We also believe that it would be useful to identify clearer linkages between responsibility-sharing mechanisms and areas of support. In other words, clarifying how a specific responsibility-sharing mechanism could spur action in particular areas needing support as highlighted in the programme of action. Lastly, in light of recent data breaches, we would like to emphasise the paramount importance of data protection across an individual's displacement trajectory. Data collection, its use and management should follow harmonized methodologies and adhere to the highest international human rights standards. The process should respect confidentiality for the protection, safety and security of the individual person. Refugees, asylum seekers and stateless persons should be thoroughly informed and consulted about why their data is important and how it may be used. It is fundamental to recognize that identity-related information can be particularly sensitive in a refugee context, where individuals may be fleeing as a result of identity-based persecution. Strong safeguards around data collection, processing and sharing should particularly be put in place to ensure this is not used to facilitate human rights violations, conduct surveillance, or to serve as a means of population control.

With a view to providing detailed comments, we welcome a more developed **preparedness, contingency planning and early warning** section, which lays down a range of measures stakeholders could take to support host countries. We suggest that those aspects should be included in efforts to measure the impact of hosting refugees as early preparations and planning have strong implications on the absorption capacity of a country. Conducting risk analysis is vital, including on the link between the root causes and drivers of internal displacement and subsequent refugee flows. These should be age and gender-sensitive. Equally important would be to ensure that such analysis, when conducted by multiple stakeholders, is shared and widely available. In this regard, considering the establishment of a repository for such analysis could be useful. The programme of action could also refer to community-based approaches to preparedness and mention a number of existing tools, including UNHCR's Preparedness Package for Refugee Emergencies and the high alert list for emergency preparedness, which host countries could find useful to refer to. With regard to these tools, establishing training programmes for concerned ministries in host governments could be considered. Local NGOs need to be included in such trainings, so they can continue playing a vital role to reduce vulnerability through better preparedness. In addition, we believe that in supporting host countries to develop contingency plans to rapidly address refugee movements, policies and standards already developed could be relevant including the SPHERE standards, the Minimum Standards for Child Protection in Emergencies, the Minimum Standards for Education in Emergencies, the IASC Guidelines for Integrating GBV interventions in Humanitarian Action, and Minimum Standards for Age and Disability Inclusion in Humanitarian Action.

We, furthermore, appreciate linking preparedness to the United Nations Secretary General's prevention agenda. References to the SDGs could also be made, especially since a number of goals – particularly 8, 10 and 16 – aim at fostering inclusiveness, both within and between countries, thus striving to reduce the likelihood of violence and persecution. Inclusiveness also means involving communities themselves in preparedness measures, an approach that could also bear fruits in breaking down barriers between hosts and refugees.

Welcoming references to women- and child-sensitive identification of specific needs in the section on **immediate reception arrangements**, we would urge inclusion of a strong training component for all border, reception and admission staff and volunteers. This should encompass training in recognizing potential international protection needs, child protection, trauma, gender- and age-sensitivity, female translators as well as in recognising unaccompanied and separated children, survivors of SGBV and trafficking as well as those in need of immediate psychological support. Identification should not require verification, but should result in immediate referral of all those who may potentially have needs, leaving expert assessments for a later stage. Moreover, we would like to emphasise that reception and transit areas as well as services provided in these facilities should take into account gender, age, disability and diversity considerations and ensure that affected people are able to influence the design and implementation of services. Establishment of safe spaces for women, children and young

people should also be promoted in reception and transit areas. Regular and independent monitoring of reception conditions would ensure these adhere to standards.

We note that the section on **safety and security** now attempts to accommodate a human security perspective by introducing references to protection-sensitive screening protocols. However, we find the guidance to be still biased towards State security. In light of the many recent cases of ill-treatment of asylum-seekers at border points, we believe that such a crucial section should have much stronger focus on the safety and security of people. Measures that prevent misconduct and abuses by authorities, including training of police, border police and military in how to protect and prevent violation of rights of asylum seekers and refugees should be mentioned and protection safeguards should be strengthened and linked more strongly to the UNHCR AGD Framework. Refugees, asylum seekers and stateless persons should have access to quality legal assistance and grievance-handling mechanisms to counter arbitrary decisions. In this regard, the key role of local and national human rights organisations in supporting victims of abuse should be mentioned, and phrasings that suggest a role for the military in applying exclusion criteria should be changed as this belongs to a civilian asylum process. We furthermore continue to believe that a community-oriented approach to identifying potential security threats could dilute accountability. Such authority therefore must be accompanied with clear accountability mechanisms. And while we welcome the initiative to protect and assist children formerly associated with armed forces or groups, we reiterate that their detention or internment should be avoided at all costs and should never be used to punish or deter individuals or families from seeking protection. Overall, the compact should allow for the identification, protection and assistance of all children with vulnerabilities.

We are pleased to see references to statelessness in the subsection on **registration and documentation**. Again, however, we recommend strengthening the focus on human dignity and human rights. A good quality registration process is a pre-condition for a credible asylum procedure. We recommend that use of forced registration and detention is strongly discouraged. We would urge that support for information awareness about registration and documentation processes be facilitated so that refugees, asylum seekers, stateless persons and those still undocumented are aware of ways of accessing these. We emphasize that gender discrimination in nationality laws continues to be one of the main factors for statelessness. Information moreover should be culturally sensitive and take into account the special needs of people living with disabilities. Moreover, women and girls must be registered individually upon arrival, regardless of marital status, and must be interviewed by trained female and child interpreters. Registration support could also include linking these to local and national systems so that people can already start accessing basic social services from early on. All support must be provided to host states to ensure that those whose asylum claims are not yet lodged, or are pending are still documented and have access to protection and assistance. Those whose asylum claims are rejected should have access to basic services, legal assistance and have their rights respected. Improved conditions in the host country may also prevent attempts at risky onward journeys, or risks of abuse and exploitation. We note too, the importance of registration and documentation to prevent and combat corruption and suggest that these be supplemented by

legal and policy measures. Insecure digital platforms, we would like to underline, can incentivise fraud and corruption on a much larger scale. Finally, with a view to early solutions planning, we propose that resource be mobilized to enhance the quality of registration data collected, by including more details on e.g. educational attainment, qualifications, work experience, and languages spoken.

Under **addressing specific needs, including children at risk**, we welcome stronger references to developing alternatives to detention, noting that these must be non-custodial community-based arrangements that respect human rights including freedom of movement and rights to privacy and fulfil children's best interests. For unaccompanied and separated children, in accordance with the UN Guidelines for the Alternative Care of Children, family and community-based care alternatives should be promoted. References to care arrangements and other services deserve more than a footnote and must be included in the text. While this section now presents a more sensitive approach to children, women and stateless persons, it could still emphasise the special needs of young people, elderly, torture victims and people living with disabilities. Moreover, the special needs of asylum seekers in transit routes could also be noted along with complementary ways of addressing those needs in line with the global compact on migration. And although identifying and responding to special needs of children is clearly noted, reference to inclusion of refugee children in national child protection systems and social services is no longer made. We believe involvement of state protection systems is important in addressing children and women's special needs, and therefore references to these must be added in the next draft. Additionally, we encourage including the identification of specific needs of children travelling with families. We also reiterate that medical services for those with special needs must be child and youth friendly, gender and disability responsive; and must include preventive care, psychological services and essential sexual and reproductive healthcare for survivors of torture and other physical or psychological abuse.

Any response addressing the needs of refugees, asylum seekers and stateless persons must have at its core a commitment to the centrality of protection. In this respect, we welcome progress in the sub-section on **identifying protection needs**. The sentence describing who may be in need of international protection may, however, further benefit from references to existing legal definitions and complementary protection regimes. At a minimum, the global compact should expressly mention that international protection is not exclusively limited to persons meeting the refugee definition contained in the 1951 Refugee Convention but also covers all persons who cannot return because of generalized violence, conflict, massive violation of human rights and serious internal disturbances.

To support countries in processing asylum claims, we would like to stress the importance of access to quality legal assistance and translation services for asylum seekers. This can ensure accuracy in the identification of protection needs and efficiency in status determination, including through the use of pro-bono lawyers. We also note that some countries may require support to set up decentralised refugee status determination procedures in managing large scale movement of people. Responsibility-sharing would also benefit from expanding the number of harmonized protection systems and strengthening the capacity of national and local service

providers to operate in a well-coordinated and mutually beneficial manner. This is the essence of the “whole-of-society approach” envisioned by this process.

On the asylum capacity support group, we strongly recommend that NGOs with capacity and expertise in asylum processes should be included in this group to increase independence of the expert pool. The asylum capacity support group could also provide expertise for national and local capacity development initiatives geared towards ensuring more efficient identification and referral mechanisms for those who may have protection needs. We also hoped to have more details on how the asylum capacity support group would fit within the responsibility-sharing mechanism architecture. It is critical that civil society is an integral part of this group. Moreover, visions for the dignified treatment of those who do not qualify for status should be included. References to ‘misuse’ of asylum procedures feed a negative narrative that should not be reproduced in the Global Compact on Refugees.

While legal status provides a strong protection framework, we reiterate that stronger practical measures to protect asylum seekers, stateless persons and refugees, including emphasis on measures that prevent misconduct and abuse by authorities are also required. In this regard, we would like to draw attention to the IASC policy on protection in humanitarian action.

To conclude, Mr. Assistant High Commissioner, we would like to repeat what you said at the last formal consultation: international law protects a person as long as that person is unable to go back home because of existing risks. We therefore underline the importance of also protecting those displaced across borders by disasters. In this perspective, we are disappointed that all references to climate change have been removed in the current draft. We stress that the terms “environmental degradation”, “natural disasters” and “climate change” refer to interconnected but separate concepts, all of which are linked to displacement. The use of the term “natural disaster” could be misleading if not accompanied by “climate change”, as it might convey the message that people fleeing as a consequence of slow-onset events not necessarily labelled as natural disasters would not be in need of international protection.

Host countries, therefore, will also need support to identify people in need of international protection arriving from countries affected by disasters and harmful impact of climate change. We suggest that addressing disaster displacement should include the involvement of the Platform for Disaster Displacement and be in line with the recommendations of the Nansen Initiative. References to regional refugee protection instruments including the 1969 OAU Convention, the 1984 Cartagena Declaration and the EU Temporary Protection Directive could be made as these address protection needs of those affected by disasters. The compact should also mention UNHCR’s role in providing advice and support on measures to assist people displaced in the context of both disasters and climate change who might be in need of international protection.

Finally, we encourage you to consult comments on the first draft developed by individual NGOs or groups of NGOs as those contain specific analysis and proposals, including language for the next iteration of the draft<sup>1</sup>.

Thank you, Mr. Chair, for the opportunity to provide comments on this key aspect of the programme of action, and we look forward to providing further comments on Agenda item 2 and 3.

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<sup>1</sup> For detailed recommendations on **women and girls** in the Global Compact on Refugees, see a paper developed by the Women's Refugee Commission in partnership with Plan International and Care: *Suggestions related to women and girls for the first draft of the Global Compact on Refugees as of 4 April 2018*.

For recommendations on **children** in the Global Compact on Refugees, see a briefing paper developed by the Initiative for Child Rights: *Making the global Compact on Refugees work for children: Recommendations following the Draft 1 of the Global Compact on Refugees*.

For detailed recommendations on **refugee children's education**, refer to a joint agency briefing paper developed by NGOs, and endorsed by the Initiative on Child Rights: *The Global Compact on Refugees: A joint agency briefing and call to action on education for refugees*.

For specific recommendations on **people living with disabilities**, see paper developed by Handicap International: *Humanity and Inclusion: Recommendations to the Global Compact on Refugees Programme of Action*.

For detailed recommendations on **young people's access to jobs and livelihoods as well as access to basic services**, see briefing papers developed by the Compact for Young People in Humanitarian Action: *Recommendations on young people in the Global Compact on Refugees*. See also a paper developed by Mercy Corps with emphasis on the rights of young people: *Mercy Corps Comments on Draft One of the Global Compact on Refugees*.

For detailed recommendations on **cash transfers**, see a statement prepared by the Collaborative Cash Delivery Platform, a group of 14 international NGOs: *Statement by the Collaborative Cash Delivery Platform on Draft 1 of the Global Compact on Refugees*.

For recommendations on **responsibility sharing, accountability, protection framework, solutions and refugees' agency**, see a joint paper by NGOs: *NGO reaction to the First Draft of the Global Compact on Refugees*.

For recommendations on **resettlement, refugee self-reliance and monitoring and evaluation framework**, see paper by Refugee Point: *Feedback on the Draft Global Compact on Refugees*.

For recommendations on **global mechanisms for international cooperation, refugee rights and protection, gender and other areas requiring strengthening**, see paper developed by InterAction: *InterAction Refugee Policy Working Group Reaction to Draft One of the Global Compact on Refugees*.