

MYAN (Australia)

Response to Draft 3 of the Global Compact on Refugees

June 2018

A. Background

MYAN welcomes the release of Draft 3 of the Global Compact on Refugees (GCR). The creation of the GCR is a critical opportunity for the recognition and inclusion of refugee youth rights and needs in discussions around refugee protection. This would ensure that refugee youth, as a group with distinct rights, needs and capacities, and who make up at least one-third of the global refugee population¹, are adequately protected and empowered². This reflects and builds on the work of UNHCR and civil society over several years in promoting the rights and needs of refugee youth.

In December 2017, MYAN prepared an *'Advocacy Brief on Youth Rights in the Global Compact on Refugees'*³ to support the inclusion of youth rights and needs in the Global Compact on Refugees (GCR). UNHCR's Global Youth Advisory Council (GYAC) provided input and endorsed the brief during the High Commissioner's Dialogue on Protection Challenges 2017. Following the release of Draft 1 of the GCR in March, MYAN released *'Response to Draft 1 of the Global Compact on Refugees'*⁴ in April 2018 and also co-drafted with Mercy Corps a position paper from the Compact for Young People in Humanitarian Action, *'Recommendations on youth in the Global Compact on Refugees'*⁵. This has been endorsed by the Compact membership as well as UNHCR's GYAC. MYAN also released a response to Draft 2 of the Global Compact on Refugees containing specific recommendations for change in the text of GCR.⁶

While building on MYAN's earlier recommendations in its *Advocacy Brief* and MYAN's response to Drafts 1 and 2 of the GCR, this response continues to reinforce the five areas of action of the Compact for Young People in Humanitarian Action (from here on Youth Compact)⁷, which cover young people's engagement through partnerships and inclusive programming; reinforcing young people's capabilities; better data collection on youth and including youth in monitoring, evaluation and reporting on policy and programmes pertaining to youth.

Based on feedback received from UNHCR, MYAN's response to Draft 3 makes recommendations for changes to or insertion of text under specific sections of the Draft. These are detailed below.

¹ While there is no current data on the global numbers of refugee youth, in 2013 UNHCR estimated that approximately one third of refugees are between 10 and 24 years old. See *UNHCR (2013) A Global Review: UNHCR's Engagement with Displaced Youth*. Available at: <http://www.unhcr.org/513f37bb9.pdf> p.9

² See also United National Development Program (UNDP), *Global Compact on Refugees - UNDP's Written Submission to the First Draft GCR (9 March) - Draft Working Document - March 2018*. Available at: <http://www.unhcr.org/en-au/events/conferences/5aba3ee77/undps-written-submission-first-draft-global-compact-refugees.html>

³ MYAN Australia (2018) *Advocacy Brief Youth Rights in the Global Compact on Refugees*. Available at:

<http://www.unhcr.org/events/conferences/5a562f9a7/myan-australia-advocacy-brief-youth-rights-global-compact-refugees.html>

⁴ MYAN Australia (2018) *Response to Draft 1 of the Global Compact on Refugees*. Available at:

<http://www.unhcr.org/events/conferences/5acb125a7/myan-australia-response-draft-1-global-compact-refugees.html>

⁵ Compact for Young People in Humanitarian Action (2018) *Recommendations on young people in the Global Compact on Refugees*.

Available at: https://www.agendaforhumanity.org/sites/default/files/resources/2018/Apr/Position%20paper%20Refugee%20Compact%20-%20Compact%20for%20Young%20People%20in%20Humanitarian%20Action_0.pdf

⁶ MYAN Australia (2018) *Response to Draft 2 of the Global Compact on Refugees*. Available at: <http://www.unhcr.org/en-au/events/conferences/5afc21387/myan-australia-response-draft-2-global-compact-refugees.html>

⁷ World Humanitarian Summit (2016) *Compact for Young People in Humanitarian Action*. Available at <http://www.un.org/youthenvoy/wp-content/uploads/2016/05/CompactforYoungPeopleinHumanitarianAction-FINAL-EDITED-VERSION1.pdf>. See Annex for reading these Action Areas.

B. General statements

MYAN welcomes Draft 3 and commends UNHCR for its efforts to reach a consensus around a new global framework for increased burden and responsibility sharing for refugee protection. MYAN believes that the process has been challenging given involvement of a wide variety of stakeholders in the process and competing priorities of host states and communities, donors, third countries and last but not least, refugees themselves.

MYAN understands the importance of engagement of and ownership by states hosting refugees in the process leading to a final draft of the Global Compact of Refugees. The process we believe should continue to aim to improve the lives and protect the rights of people in need of international protection in emergency phases and in protracted situations, as well as during the process of reaching durable solutions - while also balancing the requests of host states as well as donors and third states.

Despite these challenges, MYAN is pleased to see progress in text since the release of Zero Draft. Of particular note is the increasing recognition of and stronger language for young people and links between young people in refugee and host communities. In this regard, MYAN commends UNHCR in ensuring the active engagement of the GYAC in such an important process and is pleased to endorse GYAC's response to Draft 2 of the GCR.

MYAN believes Draft 3 reflects a step forward as it recognises youth more broadly and refers to youth as a distinct group in different areas of the Programme of Action (PoA).

MYAN is pleased to see that some of its recommendations (and those of the GYAC, Mercy Corps, the Compact on Young People in Humanitarian Action and others) have been incorporated into the new draft and is happy to see this new language around recognising the distinct needs of young refugees. A specific section on 'children and youth' is particularly important progress in the draft of the PoA.

C. MYAN's recommendations for changes in Draft 3⁸

1. Recommendation for I. Introduction

a) (ii) Guiding principles

MYAN welcomes a continued emphasis on the cardinal principle of non-refoulement⁹ in the text and increased incorporation of the UN Charter and humanitarian principles, as well as the centrality of protection to guide the application of GCR.¹⁰

⁸ Please note that MYAN's recommendation formulations in this document do not indicate the changes made from the original text in Draft 3 and reflects MYAN's recommendation of alternative text for inserting to the upcoming Draft of GCR.

⁹ UNHCR (2018) *The Global Compact on Refugees: Draft 3 (as at 4 June 2018)*. Available at: <http://www.unhcr.org/en-au/events/conferences/5b1579427/official-version-draft-3-global-compact-refugees-4-june-2018.html>, p. 2.

¹⁰ UNHCR (2018) *The Global Compact on Refugees: Draft 3 (as at 4 June 2018)*. Available at: <http://www.unhcr.org/en-au/events/conferences/5b1579427/official-version-draft-3-global-compact-refugees-4-june-2018.html>, p. 3.

While MYAN welcomes ongoing reference to the international human rights instruments in the text¹¹, MYAN recommends inclusion of specific references to the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) that consist two of the three main pillars of the International Bill of Human Rights, alongside the Universal Declaration of Human Rights and are of monumental importance for rights of refugees as recognized by UNHCR.¹²

MYAN believes that as the overarching principles guiding the whole process and GCR, the principle of best interest of children should specifically be mentioned under this section.

2. Recommendation for A. Mechanisms for burden- and responsibility-sharing

a) 2.1 National arrangements

MYAN regrets to see that ‘2.1 National arrangements’ is still missing the inclusion of and input from refugee and host communities and civil society organisations working with refugees, while the decisive role of host states continues to be emphasised.

MYAN recommends the following formulation;

“20. Drawing on good practices, and recognising the importance of national leadership, national arrangements may be established by concerned host countries to coordinate and facilitate the efforts of all relevant stakeholders working to achieve a comprehensive response. The composition and working methods of national arrangements would be determined by host States, as would the need for capacity development for relevant national authorities to undertake such work, with input from refugee and host communities and civil society organisations working with refugees.”

b) 3.2. Multi-stakeholder and partnership approach

MYAN is pleased to see the reference to enabling refugees and host community members of *all ages*¹³ in this section, as has been recommended by MYAN¹⁴ and others in response to Draft 2 to ensure participation of children and young people in designing appropriate responses. Alongside refugee-led organisations, youth-led organisations have also been recognized as a partner where civil society organisations are mentioned under this section.¹⁵ This is excellent progress.

¹¹ UNHCR (2018) *The Global Compact on Refugees: Draft 3 (as at 4 June 2018)*. Available at: <http://www.unhcr.org/en-au/events/conferences/5b1579427/official-version-draft-3-global-compact-refugees-4-june-2018.html>, p. 3, footnote 7.

¹² UNHCR details the links between refugee protection and, ICCPR and ICESCR, as well as other international and regional human rights instruments in its Self-Study Module 5: Human Rights and Refugee Protection (Vol. II). See UNHCR (2006) *Self-Study Module 5: Human Rights and Refugee Protection (Vol. II)*. Available at: <http://www.refworld.org/docid/4669434c2.html>

¹³ UNHCR (2018) *The Global Compact on Refugees: Draft 3 (as at 4 June 2018)*. Available at: <http://www.unhcr.org/en-au/events/conferences/5b1579427/official-version-draft-3-global-compact-refugees-4-june-2018.html>, p. 7.

¹⁴ MYAN Australia (2018) *Response to Draft 2 of the Global Compact on Refugees*. Available at: <http://www.unhcr.org/en-au/events/conferences/5afc21387/myan-australia-response-draft-2-global-compact-refugees.html>, p. 4.

¹⁵ UNHCR (2018) *The Global Compact on Refugees: Draft 3 (as at 4 June 2018)*. Available at: <http://www.unhcr.org/en-au/events/conferences/5b1579427/official-version-draft-3-global-compact-refugees-4-june-2018.html>, p. 8.

While the important role of ‘sports and cultural activities’ (para. 44) continues to be recognised under the same section, an emphasis on engaging both refugee and local youth in joint sports and cultural activities is not mentioned (which we believe is important for social cohesion and peaceful coexistence). This point has also been raised by GYAC in their response to the Draft 2.¹⁶

MYAN recommends the following formulation;

“44. Recognising the important role that sports and cultural activities can play in social development, inclusion, cohesion, and well-being, particularly for refugee children (both boys and girls) and youth, as well as older persons, partnerships will be pursued to engage both refugee and local youth in joint sports and cultural activities and increase access to sporting and cultural facilities and activities in refugee-hosting areas.”

c) 3.3 Data and evidence

MYAN continues to emphasise the need for and importance of collecting data specific to adolescents and youth¹⁷ in reaching comprehensive solutions. As mentioned by the Committee on the Rights of the Child, “Data disaggregated by age, sex and disability are not available in most countries to inform policy, identify gaps and support the allocation of appropriate resources for adolescents.”¹⁸

MYAN recommends the following formulation for an increased evidence-based response under para. 46 in this section as follows:

“-promote the development of harmonised or interoperable standards for the collection, analysis, and sharing of age, gender, diversity, and disabilities disaggregated data on refugees and returnees (in a way to capture information on different age cohorts, including specific data collection for adolescents and young people from the ages of 15 to 24¹⁹);”

MYAN continues to welcome the utilisation of national data collection systems, however recommends the scope of data collection under para. 46 is broadened to collection of data on education and employment outcomes as follows:

“-capacitate national data collection systems on the situation of refugees and host communities, as well as returnees, using national surveys (including on participation to

¹⁶ UNHCR Global Youth Advisory Council (2018) *GYAC Recommendations Paper for the Global Compact on Refugees Draft Two*. Available at: <http://www.unhcr.org/en-au/events/conferences/5b1540d17/gyac-recommendations-paper-global-compact-refugees-draft.html>, p. 2.

¹⁷ MYAN Australia (2018) *Advocacy Brief Youth Rights in the Global Compact on Refugees*. Available at: <http://www.unhcr.org/events/conferences/5a562f9a7/myan-australia-advocacy-brief-youth-rights-global-compact-refugees.html>, pp. 14-15, 18-20.

¹⁸ UN Committee on the Rights of the Child (CRC) (2016) *General comment No. 20 (2016) on the implementation of the rights of the child during adolescence, CRC/C/GC/20*. Available at <http://www.refworld.org/docid/589dad3d4.html>, p. 3.

¹⁹ For statistical purposes UN defines youth as persons aged between 15-24 years. UNHCR (2016) *Executive Committee of the High Commissioner’s Programme conclusion on Youth, 31 May 2016, EC/67/SC/CRP.17*. Available at: <http://www.refworld.org/docid/5800cdea4.html>, p.3.

secondary and tertiary education, and vocational training and employment/labour force²⁰), population and housing censuses, and administrative sources as relevant.”

3. Recommendations for B. Areas in need of support

MYAN is pleased to see that ‘B. Areas in need of support’ is more inclusive compared to previous drafts, reflecting stronger language in relation to meaningfully engaging and seeking input from those with diverse needs and vulnerabilities, including youth.²¹ It also has a new emphasis on empowering refugees at the outset of emergencies to establish supportive systems and networks. These are welcome developments in Draft 3.

We however regret to see a similar trend as in 2.1. *National Arrangements* related to lack of refugee and host community ownership in the process. ‘B. Areas in need of support’ continues to emphasise primacy of country leadership and ownership, without referring to host and refugee community ownership. The emphasis on host and refugee community ownership is especially vital to ensure peaceful coexistence between the host and refugee communities pending durable solutions.

MYAN recommends the following formulation:

“50. Support will be put in place at the request of the host country, or country of origin where relevant, in line with country ownership and leadership, as well as the ownership of refugee and host communities. It is recognised that each context is specific and that each State has different frameworks, capacities and resources. Part B is not exhaustive or prescriptive. Part B also does not impose additional burdens on host countries. Indeed, a key objective of the global compact is to ease such pressures, particularly for developing and middle-income countries, through contributions from other States and stakeholders.”

a) 1. Reception and admission

i. 1.5 Addressing specific needs

‘1.5 Addressing specific needs’ section now spells out groups with specific needs and refers to youth as a distinct group²², which is a very welcome development. The draft continues to refer to best interest assessment and determination processes for children and does not (as with previous drafts) refer to ‘*adolescents and youth*’ in these processes.

MYAN welcomes in the text of Draft 3 that as a group with specific needs, young people would benefit from mechanisms for identification, screening and referral to appropriate processes and procedures. MYAN understands that there have never been specific procedures for adolescent and young

²⁰ UNHCR (2016) *Executive Committee of the High Commissioner’s Programme conclusion on Youth*, 31 May 2016, EC/67/SC/CRP.17. Available at: <http://www.refworld.org/docid/5800cdea4.html>, p.3.

²¹ UNHCR (2018) *The Global Compact on Refugees: Draft 3 (as at 4 June 2018)*. Available at: <http://www.unhcr.org/en-au/events/conferences/5b1579427/official-version-draft-3-global-compact-refugees-4-june-2018.html>, p. 10.

²² UNHCR (2018) *The Global Compact on Refugees: Draft 3 (as at 4 June 2018)*. Available at: <http://www.unhcr.org/en-au/events/conferences/5b1579427/official-version-draft-3-global-compact-refugees-4-june-2018.html>, p. 11.

refugees within the broader framework of refugee protection and, concepts such as identification and referral, as well as best interest assessment (BIA) and best interest determination (BID) have been exclusive to children in this space. However MYAN believes that adolescent and young refugees also need specifically tailored procedures to ensure their needs are addressed.

Research in this field points to extended age of adolescence (covering the ages of 10 to 24 years) due to ongoing brain development in this period and that this impacts decision making processes while creating additional vulnerabilities for young people.²³ MYAN believes in the importance of incorporating this aspect related to the young people into the text of Programme of Action. This is especially vital given that a certain proportion of these young refugees would have already been in protracted refugee situations since their childhood, which further impacts their development. Given the high number of refugee children and increased protracted refugee situations globally, MYAN believes that specific situations of young refugees need to be recognised by all stakeholders in this process (specifically by host states) and therefore, appropriate mechanisms should be put in place, including specific BIA and BID processes developed (or adapted) for adolescents and young people.

As in Draft 2, detention is briefly mentioned under the '1.5 Addressing specific needs' section which refers to support for non-custodial and community based alternatives to detention, particularly for children (para. 60). MYAN believes that the language around detention should be strengthened and should reflect UNHCR's current position on detention of children²⁴, which already reflects the Convention on the Rights of the Child as well as the General Comments of the Committee on the Rights of the Child, and state that "*detention is never in children's best interests.*" While MYAN understands the sensitivity around the issue of detention (including as an increasingly political issue), it is vital to make this statement. Alternatively, MYAN recommends a specific reference to the principle of best interest of children under **(ii) Guiding principles** section if such a specific reference on best interests is avoided in this section, to ensure the primacy of the principle of best interest for any decisions pertaining to possible detention of children.

In addition to above comments, MYAN believes that any reference to alternatives to detention should include adolescents and young people among groups for whom alternatives to detention should be prioritised.

MYAN recommends the following formulation in relation to the above:

"60. In support of host countries, States and relevant stakeholders will contribute resources and expertise for the establishment of mechanisms for identification, screening and referral of those with specific needs to appropriate processes and procedures. Multi- stakeholder response teams could be established to facilitate this operationally. This will include the identification and referral of children, adolescents and young people, including unaccompanied and separated children, adolescents and youth, to best interests assessment

²³ Sawyer, Susan M et al. (2018) *The age of adolescence*. The Lancet Child & Adolescent Health, Vol. 2, Issue 3, pp. 223-228.

²⁴ UNHCR (2017) *UNHCR's position regarding the detention of refugee and migrant children in the migration context*. Available at: <http://www.refworld.org/docid/5885c2434.html>, p. 2.

and/or determination, together with appropriate care arrangements or other services. Identification and referral of victims of trafficking and other forms of exploitation to appropriate processes and procedures, including for identification of international protection needs or victim support, is key; as is identification and referral of stateless persons and those at risk of statelessness, including to statelessness determination procedures. The development of non-custodial and community-based alternatives to detention, particularly for children, adolescents and young people, will also be supported.”

b) 2. Meeting needs and supporting communities

Similar to previous sections, this section of Draft 3 continues to emphasise primacy of country leadership and ownership, without referring to host and refugee community ownership. In line with above comments and suggestions, MYAN recommends the formulation below for an emphasis on host and refugee community ownership:

“65. The involvement of development actors in ensuring that national systems and services are strengthened and host communities’ needs are met, alongside those of refugees, represents a positive change. Development actors will work in a complementary manner to ensure that the impact of a large refugee situation on a host country is taken into account in development programmes. A spirit of partnership, the primacy of country leadership and ownership, as well as the ownership of refugee and host communities, and the mobilization of predictable international responses consistent with national development strategies and aligned with the 2030 Agenda, are key to ensuring sustainability. At the same time, host countries need to be able to rely on additional development resources to ensure that communities affected by a refugee situation are not impaired in making progress towards the Sustainable Development Goals.”

Various studies²⁵ on refugee and host community relations indicate the importance of refugee and host community ownership in responding to refugee emergencies (to prevent possible conflicts between these two communities and to alleviate negative perceptions of the host communities towards refugees and host countries’ policies). MYAN believes it is important to underline this aspect in Draft 3. If above formulations are considered as repetitions throughout the text, at a minimum we believe such a remark should be placed under **(ii) Guiding principles** section, following the mention of national ownership and leadership.

i. 2.1. Education

MYAN welcomes that the section ‘2.1. Education’ has been strengthened, emphasising technical and vocational training, and that it details the previous reference to qualification recognition expanding it

²⁵ Such as Mercy Corps (2012) Analysis of Host Community-Refugee Tensions in Mafrqa, Jordan. Available at: <https://data2.unhcr.org/en/documents/download/38297>; Mercy Corps (2017) From Tension To Violence: Understanding and Preventing Violence between Refugees and Host Communities in Lebanon. Available at: <https://data2.unhcr.org/en/documents/download/60404>; WFP (2017) Social Cohesion in Turkey: Refugee and Host Community Online Survey (Round 1), December 2017. Available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/WFP-0000039741.pdf>.

to facilitate recognition of equivalency of academic, professional and vocational accreditation.²⁶ These are all important developments.

Specific reference on access to primary, secondary and tertiary education by refugee children and youth under the same section²⁷ is also a welcome development. However the wording in the Zero Draft around measures to support refugee ‘children and youth’ back to schooling to minimize the time spent out of school²⁸ has still not been re-inserted and it still only mentions ‘boys and girls’ (para. 68) as in Drafts 1 and 2.

MYAN recommends the following formulation:

“68. In line with national education laws, policies and planning, and in support of host countries, States and relevant stakeholders will contribute resources and expertise to expand and enhance the quality and inclusiveness of national education systems to facilitate access by refugee and host community children (both boys and girls) and youth to primary, secondary and tertiary education. More direct financial support and special efforts will be mobilized to minimize the time refugee children and youth spend out of education, ideally a maximum of three months after arrival.”

Specific reference to young people in relation to minimising the time spent out of education is important as young refugees both in emergency and protracted situations may have missed years of education (including at the secondary level) due to ongoing displacement (especially refugees who were initially internally displaced for extended periods) and/or due to ongoing limitations on their access to fundamental rights in their countries of origin. These point to a need for young refugees to engage with formal and/or non-formal education systems in host countries as soon as possible - to catch up on missing years in order to continue further education or training, which would assist in providing them with better future prospects.

ii. 2.2 Jobs and livelihoods

MYAN welcomes that ‘2.2 Jobs and livelihoods’ section now specifically refers to language and vocational training, linked to market opportunities, for youth.²⁹ This is a very important development, especially since it effectively links education and livelihoods sections and therefore presents an understanding of the transition from school to employment (a critical transition for youth).

²⁶ UNHCR (2018) *The Global Compact on Refugees: Draft 3 (as at 4 June 2018)*. Available at: <http://www.unhcr.org/en-au/events/conferences/5b1579427/official-version-draft-3-global-compact-refugees-4-june-2018.html>, p. 13.

²⁷ UNHCR (2018) *The Global Compact on Refugees: Draft 3 (as at 4 June 2018)*. Available at: <http://www.unhcr.org/en-au/events/conferences/5b1579427/official-version-draft-3-global-compact-refugees-4-june-2018.html>, p. 13.

²⁸ UNHCR (2018) *The Global Compact on Refugees: Zero Draft (as at 31 January 2018)*. Available at: <http://www.unhcr.org/Zero-Draft.pdf>, p. 9.

²⁹ UNHCR (2018) *The Global Compact on Refugees: Draft 3 (as at 4 June 2018)*. Available at: <http://www.unhcr.org/en-au/events/conferences/5b1579427/official-version-draft-3-global-compact-refugees-4-june-2018.html>, p. 14.

iii. **2.5 Children and Youth**

While Draft 2 had a specific section on ‘children’ and no section focusing on ‘youth’, Draft 3 has a specific section for both groups, i.e. ‘2.5 Children and Youth’. MYAN highly commends this development, as recommended in its response to Draft 2³⁰ and by GYAC.³¹ The specific paragraph on children (para. 76) now recognises adolescents as a distinct group with specific vulnerabilities.³² The section also has a dedicated paragraph (para. 77) for young people which focuses on empowerment, active participation and engagement of refugee and host community youth.³³ The paragraph also recognises the strengths and resilience of young people and refers to support for projects which recognise, utilise and develop their capacities, skills and wellbeing. MYAN commends the inclusion of this strengths-based language focusing on young people.

This section however could be strengthened and should not just refer to projects, but to youth specific policy and programming that recognise, protect and respond to particular rights, needs and capabilities of refugee youth. Such language is observed in the paragraph focusing on children under this section (para. 76) and relevant stakeholders also needs to contribute resources and expertise towards policies and programmes that take into account the vulnerabilities and strengths of young people. Similar to the paragraph focusing on children under this section (para. 76), capacity development, age-sensitive procedures and investment in youth friendly systems are needed for young people.

MYAN recommends the following formulation:

“77. The empowerment of refugee and host community youth, building on their talent, potential and energy, supports resilience and eventual solutions. In support of host countries, States and relevant stakeholders will contribute resources and expertise towards policies and programmes that take into account the specific vulnerabilities and strengths of young people. The active participation and engagement of refugee and host community youth will be supported by States and relevant stakeholders, including through youth specific policy, programming and projects that recognize, protect and respond to particular rights, needs and capabilities of refugee youth, as well as utilise and develop their capacities and skills; support their physical and emotional well-being; as well as facilitate youth networking and information sharing. Capacity development for relevant authorities to undertake youth sensitive procedures and assessments will be supported. UNHCR will work with States to enhance access by refugee adolescents and youth to resettlement and complementary pathways for admission.”

³⁰ MYAN Australia (2018) *Response to Draft 2 of the Global Compact on Refugees*. Available at: <http://www.unhcr.org/en-au/events/conferences/5afc21387/myan-australia-response-draft-2-global-compact-refugees.html>, p. 10.

³¹ UNHCR Global Youth Advisory Council (2018) *GYAC Recommendations Paper for the Global Compact on Refugees Draft Two*. Available at: <http://www.unhcr.org/en-au/events/conferences/5b1540d17/gyac-recommendations-paper-global-compact-refugees-draft.html>, p. 5.

³² UNHCR (2018) *The Global Compact on Refugees: Draft 3 (as at 4 June 2018)*. Available at: <http://www.unhcr.org/en-au/events/conferences/5b1579427/official-version-draft-3-global-compact-refugees-4-june-2018.html>, p. 15.

³³ UNHCR (2018) *The Global Compact on Refugees: Draft 3 (as at 4 June 2018)*. Available at: <http://www.unhcr.org/en-au/events/conferences/5b1579427/official-version-draft-3-global-compact-refugees-4-june-2018.html>, p. 15.

iv. **2.10 Tolerance and peaceful coexistence**

The name of the ‘Social Cohesion’ section in Draft 2 has been renamed as ‘2.10 Tolerance and peaceful coexistence’. MYAN understands that this change will not undermine efforts towards inclusion of refugees, especially young refugees into national structures and systems, as well as efforts to build positive and long term relations between the host and refugee communities.

MYAN is pleased to see that under the ‘2.10 Tolerance and peaceful coexistence’ the role of media and social media has been recognised in fostering respect, tolerance and understanding. This has been repeatedly mentioned in MYAN’s responses to previous drafts, as negative media coverage, which often focuses on young people, has a huge impact on social cohesion and compounds/contributes to misperceptions towards refugee population.

c) **3. Solutions**

i. **3.1 Support for countries of origin and voluntary repatriation**

Different from Draft 2, ‘3.1 Support for countries of origin and voluntary repatriation’ section under ‘3. Solutions’ mentions supporting countries of origin with respect to their social, political, economic and legal capacity to receive and reintegrate returnees, with a specific reference to youth (para. 89). The section also refers to support for age-responsive livelihood opportunities, which has been recommended by MYAN³⁴ and others in its response to Draft 2, for inclusive livelihoods planning for young people. This is a welcome development.

ii. **3.2 Resettlement**

‘3.2 Resettlement’ now refers to the need for investment in robust reception and integration services for resettled refugees. A similar recommendation was made in MYAN’s Advocacy Brief before the release of Zero Draft. While the new language around services in resettlement countries is very welcome, it could be strengthened with a reference to ‘age-, gender- and culturally appropriate’ services.

The reference to emergency transit arrangements and emergency resettlement processing has been moved from ‘Addressing specific needs’ in Draft 2 to ‘Resettlement’ section in Draft 3, however the same language in Draft 2 has been used with sole reference to women and children at risk. MYAN believes such arrangements should also be available for adolescents and youth at risk, as previously stated in its response to Draft 2.

In light of the above comments, MYAN recommends the following formulation:

“92. In addition, pledges will be sought, as appropriate, to establish or strengthen good practices in resettlement programmes. This could include the establishment of multi-year

³⁴ MYAN Australia (2018) *Response to Draft 2 of the Global Compact on Refugees*. Available at: <http://www.unhcr.org/en-au/events/conferences/5afc21387/myan-australia-response-draft-2-global-compact-refugees.html>, p. 12.

resettlement schemes; efforts to ensure resettlement processing is predictable, efficient and effective (e.g. by using flexible processing modalities that fully account for security concerns to resettle at least 25 per cent of annual resettlement submissions within six months of UNHCR referral); ensuring that resettlement is used strategically, and in line with its humanitarian and protection underpinnings (e.g. by allocating places for the resettlement of refugees from at least three priority situations identified by UNHCR in its annual projected global resettlement needs, including one protracted situation; and/or dedicating at least 10 per cent of resettlement submissions as unallocated places for emergency or urgent cases identified by UNHCR); investing in robust and age-, gender- and culturally appropriate reception and integration services for resettled refugees, including women and girls at risk; and the use of emergency transit facilities or other arrangements for emergency processing for resettlement, including for women, children, adolescents and youth at risk.”

iii. 3.3 Complementary pathways for admission to third countries

‘3.3 Complementary pathways for admission to third countries’ currently only refers to making these pathways available on a gender responsive basis. This section can be strengthened with also referring to the age aspect for ensuring that such pathways are available on both age and gender responsive basis. Such wording would be more inclusive of young people.

MYAN recommends the following formulation:

“94. As a complement to resettlement, other pathways for the admission of persons with international protection needs can facilitate access to protection and/or solutions. There is a need to ensure that such pathways are made available on a more systematic, sustainable and age- and gender-responsive basis, that they contain appropriate protection safeguards, and that the number of countries offering these opportunities is expanded overall.”

The wording around family reunification has been amended in Draft 3 from ‘simplified procedures and clear referral pathways’ to ‘effective procedures and clear referral pathways’ (para. 95). Both of the terms used so far in this section in Drafts 2 and 3 do not address the structural issues with family reunification procedures implemented by third countries. MYAN had suggested in its response to Draft 2 inserting a reference to ‘low cost and fast’ family reunification pathways for all refugees, especially for young people. While this has not been reflected in Draft 3, ‘effective procedures’ wording should be strengthened through specifically referring to fast and low cost procedures.

MYAN recommends the following formulation:

“95. The three-year strategy on resettlement (section 3.2 above) will also include complementary pathways for admission, with a view to increasing significantly their availability and predictability. Contributions will be sought from States, with the support of relevant stakeholders, to facilitate access to family reunification, including through effective procedures (including fast and low cost procedures) and clear referral pathways, or to establish private or community sponsorship programmes that are additional to regular resettlement, including community-based programmes promoted through the Global Refugee

Sponsorship Initiative (GRSI). Other contributions in terms of complementary pathways could include humanitarian visas, humanitarian corridors and other humanitarian admission programmes; educational opportunities for refugees (including women and girls) through grant of scholarships and student visas, including through partnerships between governments and academic institutions; and labour mobility opportunities for refugees, including through the identification of refugees with skills that are needed in third countries.”

4. Recommendations for IV. Follow up and review

‘IV. Follow up and review’ section does not refer to the development of indicators for monitoring progress anymore, but rather has a vague formulation in relation to follow-up of the global compact stating that States, UNHCR and relevant stakeholders will coordinate. This is considered a step-backwards as Draft 3 does not foresee a transparent process and timeline on how the indicators for measuring the progress of the Compact will be determined and what these indicators would be. MYAN suggests, at a minimum, that PoA makes reference to a transparent process inclusive of all refugees (including young people) for determining indicators and measuring progress of the Compact. MYAN believes that refugee communities including young people and youth-specific expertise should be engaged in developing the key indicators for monitoring and measuring the progress of the Compact.

MYAN recommends the following formulation:

“101. The international community as a whole will do its utmost to mobilise support for the global compact. This is a task for all States, together with relevant stakeholders. UNHCR will play a catalytic and supportive role, consistent with its mandate. States, UNHCR and relevant stakeholders will seek to coordinate the follow-up of the global compact in ways that foster coherence with other processes and actions related to people on the move. UNHCR will strive to ensure a transparent process inclusive of relevant stakeholders, including refugees themselves, to develop indicators for monitoring and measuring progress of the global compact in given timelines. Such indicators would aim to measure expenditure and costs burdened by the host country and contributions by donors, as well as impact and outcomes of such spending and investment through engagement of refugee communities.”

Draft 3 refers to Global Refugee Forums and that UNHCR will establish a mechanism for tracking of pledges (para. 102). MYAN believes that any mechanism put in place to measure progress should include refugees, and specifically young people, in measuring, evaluation, monitoring and reporting the progress and impact of the Global Compact to inform Global Refugee Forums. Draft 3 however falls short of specifically acknowledging refugees in this process as a stakeholder. While understanding the primacy of state engagement in such a process, MYAN nevertheless would like to suggest involvement of refugees of all ages, including youth in consultation with the GYAC, in any

mechanism such as an expert group or sub-group to ensure age appropriate and age specific policy and programming.³⁵

MYAN recommends the following formulation:

“102. The Global Refugee Forum will be the main vehicle for pledging, taking stock, reviewing and measuring progress against the objectives of the global compact and ensuring the achievement of collective outcomes. This will include review of efforts in relation to specific country or regional situations, including through Support Platforms, as well as progress on a global level. UNHCR will establish a mechanism for the tracking of pledges by States and other stakeholders and will report on the realization of pledges and contributions, as well as on their impact where possible, prior to each Global Refugee Forum. Refugees of all ages would be an integral part of this tracking process and measuring the impact of pledges and contributions (through ongoing monitoring, evaluation and reporting of the outcomes in expert groups or sub-groups). In addition to Global Refugee Forums, the United Nations High Commissioner for Refugees will update, in his/her regular reporting to the United Nations General Assembly and the UNHCR Executive Committee, on progress made.”

As a welcome development, Draft 3 specifically refers to adequate participation of youth in Global Refugee Forums ensuring inclusion of their perspectives on progress, however involvement of young refugees should go beyond participating to the Forum and should also include active and meaningful involvement in measuring, evaluation, monitoring and reporting the progress and impact of the Global Compact. Participation in Global Refugee Forums should also include participation by civil society organizations, including those that are refugee and youth-led.

MYAN recommends the following formulation:

“103. States and relevant stakeholders will facilitate meaningful participation of refugees, including women and youth, and civil society organizations, including those that are refugee- and youth-led, in Global Refugee Forums, ensuring the inclusion of their perspectives on progress (through their active involvement in measuring, evaluation and monitoring of the process and its impacts). A digital platform accessible to all to share good practices, notably from an age, gender, disabilities, and diversity perspective, in the application of the different elements of the global compact will be developed by UNHCR.”

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³⁵ MYAN Australia (2018) *Advocacy Brief Youth Rights in the Global Compact on Refugees*. Available at: <http://www.unhcr.org/events/conferences/5a562f9a7/myan-australia-advocacy-brief-youth-rights-global-compact-refugees.html>, p. 3.