

**NGO Statement on International Protection
Agenda item 4(a)**

This statement was drafted through a wide consultation with NGOs and attempts to reflect a diversity of views.

Two years after the adoption of the New York Declaration, we welcome the multi-stakeholder process led by UNHCR that has led to the development of a strong draft Global Compact on Refugees. Several large hosting States have already made improvements to national policies to prioritize refugee protection, resilience and self-reliance, through the Comprehensive Refugee Response Framework, such as Uganda, providing access to education for all children and adolescents from refugees and host communities. However, it is vital that the vast majority of nations with much greater capacity also take on their share of responsibility: through increases in resettlement and humanitarian aid, but also through more innovative measures, such as debt relief and concessional loans. NGOs look forward to engaging with States to collectively turn the commitments in the global compact into action and to develop a global responsibility-sharing mechanism.

Despite this positive progress towards a Global Compact on Refugees, the reality on the ground is much more sombre; there are increasing numbers of displaced people, including hundreds of thousands from Myanmar and Venezuela, shocking instances of civilians being targeted in conflicts, including Yemen and Syria, as well as new challenges, such as the first ever Ebola outbreak in a conflict zone in DRC.

With this backdrop, we would like to draw the Committee's attention to seven key protection concerns:

Access to Protection: Throughout the last year we have seen many cases of displaced people being restricted access to protection and lifesaving assistance, many being forced to stay in areas polluted by explosive remnants of war. In Myanmar, brutal attacks against the Rohingya people in Northern Rakhine, including children, women and older people, have left thousands dead and more than 700 000 Rohingya to seek refuge in Bangladesh. These reported atrocities include systematic rape and other forms of sexual violence, murder, collective punishment, forced displacement, public humiliation and destruction of private property. Furthermore, humanitarian organizations working throughout Rakhine State continue to face serious restrictions in accessing affected communities. In Yemen, ongoing hostilities continue to hinder the delivery and provision of lifesaving assistance to people in need, and have restricted essential supplies from getting into the country, affecting many trapped behind frontlines. And in the Mediterranean, we are again witnessing stranded rescue boats filled with hundreds of refugees because no country or port is willing to accept them.

We urge States to uphold their obligations under international humanitarian law, refugee law, and human rights law, reinforced by the New York Declaration on Refugees and Migrants and binding Security Council resolutions. We urge States to allow humanitarian organisations access to all in need of protection worldwide, including to those stranded at sea.

IDPs: The New York Declaration noted the ‘need for reflection on effective strategies to ensure adequate protection and assistance for internally displaced persons. With two-thirds of the world’s displaced people being internally displaced – many in protracted situations of repeated displacement and facing similar challenges to those faced by refugees, including food insecurity, lack of accessible and inclusive livelihood opportunities as well as inadequate and inappropriate services – there is indeed an urgent need for such reflection. We welcome the GP20 Plan of Action co-chaired by UNHCR and OCHA, which provides a multi-stakeholder action plan developed by the UN, NGOs and States.

We also welcome UNHCR’s development of an updated policy on internal displacement and look forward to meaningful consultation in line with the Principles of Partnership. We emphasise that any proposed changes to coordination mechanisms should complement existing structures. We further call for the policy to clearly outline how UNHCR intends to ensure that the internally displaced receive the same protection and assistance as refugees and other persons of concern and that the policy promotes the need for collaborative approaches towards solutions for internally displaced people. We hope that the policy will acknowledge the need for stronger data and evidence on internal displacement and recognise the critical role of partnerships in improving data interoperability and promoting innovation.

Statelessness: At least 10 million people around the world are stateless. The world’s largest group of stateless people, the Rohingya, are continuing to face indiscriminate violence, described by the UN Fact-Finding mission as genocide, war crimes and crimes against humanity. The statelessness crisis in the Dominican Republic continues to affect tens of thousands of people of Haitian descent and those defending the rights of stateless people are frequently harassed and intimidated. Discrimination against women in nationality laws remains a major driver of statelessness hindering their ability to pass on citizenship to their children.

We ask that governments change their laws and procedures to ensure that every birth is registered, and all people without access to nationality can acquire it in countries where they were born or have significant ties.

Non-Refoulement: While repatriation is an important durable solution when it is voluntary, safe, dignified, and sustainable, greater attention should be paid to ensuring refugees are informed and able to participate in decisions. This year, NGOs have again noted increased pressures on refugees to return to their countries of origin. For example, more than 2.3 million Afghans are not just coming back to their country – they are coming back to conflict and fragility, often unwillingly. Most of them must live in precarious conditions that are often far away from their family lands in areas that are already highly unstable, unsafe and poor. Pressure continues to build on Syrian refugees to return despite the reality that it is simply not safe for them to do so throughout much of the country. And in Southeast Asia, Chin refugees face cessation of refugee status and return to Myanmar, with confusion over ongoing protection options and conflicting information from host States.

Non-refoulement is the core principle of international refugee protection and a non-derogable norm of customary international law, and we demand States to respect this at all times.

Women and girls: Women and girls across the globe make up about half of refugees and displaced people fleeing war and insecurity, often taking perilous journeys with children or even while pregnant. All while facing a high risk of sexual and gender-based violence at every stage of transit and no access to services, including maternal or sexual and reproductive health. We also know that older women refugees, including those with disabilities, often face multiple barriers of access to protection assistance

resulting both from an accumulation of the lifetime of gender-based discrimination and specific age and disability related vulnerabilities. Research by NGOs working within Somalia recently found that assistance provided to displaced people is not consistently safe for everyone, and more needs to be done to ensure that aid does not put women and girls in greater danger¹.

In this context, we welcome UNHCR's release of the Age, Gender and Diversity Policy and the inclusion of updated commitments to refugee women and girls in this policy and emphasize the need to hold all humanitarian actors and donors accountable on effective implementation. We urge all actors to systematically consult men, women, boys and girls, including persons with disabilities, in displaced and host communities, to ensure that assistance is safe and designed in a manner that meets their right to protection. We are looking forward to working together to take the Global Compact on Refugees forward in ways that significantly strengthen the empowerment as well as protection of women and girls.

Resettlement: Departures for refugees to third countries must increase and cases must be processed more quickly. Regarding the latter, the UNHCR-facilitated evacuations from Libyan detention centres to Niger have saved many women, men and children from dehumanizing conditions. But after arriving in transit shelters in Niger, too many wait for months to be resettled. Since last September, of the 1,367 resettlement submissions from Niger and Libya, less than 250 actually departed². In our experience, the continued wait only increases their desperation to try again a journey, falling in the hands of opportunistic smugglers. Indeed, resettlement is not only a concrete measure of responsibility-sharing but it is a protection tool – for so many people desperately seeking safety where they can get a new start in life and contribute to their new community.

Education: UNHCR's recent report³ indicates that among the 6.4 million refugees of school-age amongst the 17.2 million refugees under UNHCR's mandate, more than half of them – 3.5 million – did not go to school in 2016. Education is undeniably a protective measure for the millions of children who witnessed violence and were forced out of their homes. As per the commitments of the New York Declaration, wider efforts are needed to grow political and practical support for action to expand access to quality education for refugee and host community children and youth.

In conclusion, the New York Declaration and Global Compact on Refugees offer a unique opportunity for us all to tackle international protection challenges and to ensure global responsibility-sharing. However, the words of these texts are only meaningful when they result in concrete changes for the people affected. NGOs stand ready to engage, support and adapt our own ways of working, so that we can collectively put the commitments into practice.

¹ <https://policy-practice.oxfam.org.uk/publications/drought-displacement-and-livelihoods-in-somalia-somaliland-time-for-gender-sensi-620503>

² Figures stem from the following report: “UNCHR Libya-Niger situation”, accessed on 5 September 2018, <http://reporting.unhcr.org/sites/default/files/UNHCR%20LibyaNiger%20Situation%20Resettlement%20Update%20-%202013MAY18.pdf>

³ <http://www.unhcr.org/59b696f44.pdf>