Thank you Mister Chair,

This statement is delivered on behalf of a wide range of non-governmental organizations. It has been drafted in consultation with, and aims to reflect the diversity of views of, the NGO community.

At the World Humanitarian Summit (WHS), UNHCR committed to ‘continue to fulfill its core task of ensuring international protection and assistance and seeking permanent solutions for refugees and other persons of its concern.’ Maintaining the centrality of protection in these efforts is imperative, and thus we emphasize Secretary General Ban Ki-moon’s comments in April that:

- Member States should ensure the protection and dignity of refugees and migrants in full respect of international human rights, humanitarian, refugee, and labour law;
- People in transit — whether refugees, asylum seekers, unaccompanied and separated children, stateless persons or migrants — are entitled to protection;
- The particular needs of women and best interests of children and others who may be at particular risk must be protected;
- In no cases are collective expulsions permissible, and the use of irregular means of entry should not be held against asylum seekers;
- Urgent attention is needed on the discrimination and marginalisation experienced by many displaced persons globally based on race, sex, language, religion, political or other opinion, national or social origin, property, birth or other status with special attention;¹ and
- There is need for greater compliance with International Humanitarian Law to reduce forced migration as a result of the impact of conflict on civilian populations.

As we seek to realize these objectives, together we must ensure that the needs and capacities of people in crisis guide our collective actions. We call on UNHCR and Members States to enhance protection and find durable solutions for those fleeing persecution and violence.

We therefore call on Member States to find political solutions to these conflicts, and to Member States

and UNHCR to redouble efforts to uphold the protection needs of the most vulnerable in full respect of international law.

Major challenges to the protection regime in 2016

Thematic concerns

1. Stateless persons

NGOs are committed to working with UNHCR, other UN agencies and states to solve statelessness. We therefore welcome:

- The inclusion of statelessness in Sustainable Development Goals 16.9 and 10.
- Commitments made by states through the Brazil Declaration to Strengthen the International Protection of Refugees, Displaced and Stateless Persons in Latin America and the Caribbean;
- The Economic Community of West African States Declaration to Eradicate Statelessness; and
- The adoption of the first ever conclusions on statelessness by the European Council, as well as increased engagement of the European Parliament to End Childhood Statelessness.

Unless preventative action is further prioritized to ensure access to civil documentation, statelessness among children born to refugees will continue to increase in the Syria conflict.

NGOs also call for remedial action by the more than half of European states that currently fail to properly meet their obligations to grant nationality to children born on their territories who would otherwise be stateless. We urge all states to put in place dedicated statelessness determination procedures which are critical in protecting stateless migrants from detention and a range of other human rights abuses. *We encourage further participation in the UNHCR led #Ibelong campaign to end statelessness by 2024.*

2. Internal Displaced Persons (IDPs)

We welcome Secretary General Ban Ki-moon’s call at the World Humanitarian Summit to half internal displacement by 2030. However, we are cognisant that, in 2015, 40.8 million people were internally displaced as a result of conflict and violence, the highest number ever recorded since Internal Displacement Monitoring Centre (IDMC) began monitoring in 1998. This equates to twice the number of refugees globally. Half of these people were displaced due to just three conflicts - Yemen, Syria and Iraq.

At last week’s annual partner consultation High Commissioner Grandi committed to increasing UNHCR’s focus on IDPs. We ask how this commitment will lead to tangible action in 2017?
3. Children & Youth

NGOs commend UNHCR’s initiatives on youth in partnership with NGOs, including global refugee youth consultations and last week’s UNHCR-NGO Annual Consultations. Such initiatives underline the importance of engaging young people at a unique life stage in decision-making structures and processes, and in humanitarian programme design, implementation and evaluation. What are UNHCR’s plans related to youth in the short- and long-term?

Guaranteeing continuity of education in acute and protracted emergencies significantly reduces the social and economic cost as well as the physical and psychosocial impact of such situations on children. We welcome UNHCR’s continued support to Education Cannot Wait – A Fund for Education in Emergencies and call on Member States to increase new funding for education and child protection needs and to advocate for policy changes to address the economic pressures that often lead to high drop-out rates.” We also look forward to the December High Commissioner’s Dialogue on Children on the Move.

Regional concerns

1. Europe

We support UNHCR’s efforts in Greece to uphold the right to protection, and its difficult decision to suspend many activities when the refugee processing centres effectively became areas of detention in March 2016. We remain disappointed, however, in the failure of some of the richest and most powerful States in the world to live up to their humanitarian ideals and obligations during this crisis.

The growing number of refugees and migrants undertaking life-threatening journeys by sea highlights the need for greater cooperation among Member States affected by mixed movements. During the course of last year and the first five months of 2016, some 700,000 people crossed the Mediterranean. Approximately 50 per cent were Syrian refugees, 20 per cent were Afghans and 7 per cent were Iraqis. Some 3,800 people went missing, believed to be drowned.

NGOs remain extremely concerned about the protection ramifications of the EU/Turkey deal, because it contradicts EU principles of the right to seek asylum, trying instead to push the people and their suffering far from European shores. To protest European policies of deterrence, MSF has announced that the organization will no longer accept funds from institutions and EU Member States.

2. Africa

NGOs are concerned by a number of cases in which refugee and IDPs camps are being closed without respect for international norms or for national and international legislation. Kenya hosts the second
largest refugee population in Africa. Thus, the May announcement by the government that it will no longer host refugees, subsequent closure of the Department of Refugee Affairs (DRA), and planned closure of the Dadaab refugee camp by November 2016 is of great concern. As the Government has not yet made public the findings of the Refugee Repatriation Taskforce that handed in its report on 31 May 2016, it is still unclear how the process will be managed and the timeline that has been set out. While the Government has indicated that a new entity, the Refugee Affairs Secretariat, will be taking up the responsibilities of the Department of Refugee Affairs (DRA), cases of local police arresting those who leave camps without a pass have emerged.

We commend Kenya for the Kalobeyei initiative which aims to reframe the hosting situation for 100,000 refugees in Turkana. The aim is to ensure greater social cohesion and self-reliance for the population of concern and hosting communities. However, Kenya’s announcement of the closure of its camps this year and the possible forcible relocation the camps’ residents due to security concerns represents an alarming trend of linking refugee presence with terrorist threats without sufficient evidence. Also justified by security concerns, in March of this year, IDP camps in four sites of North Kivu, DRC, were abruptly and forcibly closed, resulting in the eviction of a total of an estimated 42,000 IDPs. No consideration was given to the most vulnerable, including the sick, the disabled or the elderly. Such acts violate commitments to both the African Union Convention for the Protection of Internally Displaced Persons in Africa (the Kampala Convention) and the Guiding Principles on Internal Displacement.

Of further concern are the attempts in Nigeria to relocate IDPs and induce IDP returns to areas that are not yet deemed safe. The Nigerian government has consistently announced plans to close existing IDP camps in northeast Nigeria and facilitate IDPs’ return to their places of origin. The imbalance between the Government’s budget allocations to IDP resettlement compared to the allocations to humanitarian assistance further exemplifies a worrying return agenda.

3. Americas

The goals of the Cartagena Declaration of 1984 still seem far from reach in North America as governments detain and hastily return families and children fleeing violence back to the Northern Triangle. Despite a broad definition for granting asylum in Mexico, the number of recognitions is very low. NGO’s pushing for the implementation of the Brazil Plan of Action are constantly struggling against the apathy of local governments to change their ground procedures to ensure highest protection standards, solidary borders and sustainable solutions.

Since 2009, the number of unaccompanied children traveling through Central America and Mexico has been rapidly growing. This has slowly triggered several legislative measures to grant greater protection to children and adolescents in Mexico; nevertheless, at the ground level there is still a high disregard for the principles of non-refoulement and the child’s best interest.

We welcome UNHCR’s support to establish more shelters for unaccompanied children and adolescents.
as alternatives to detention centers, which will help diminish the high rate among children of abandoning their RSD procedure, and thus facilitate the access to international protection. However children travelling with their families do not receive the same attention, and they often remain in detention centers until the end of the process of their parents.

4. Middle East and North Africa

Protection needs remain particularly acute in Yemen, where people in 21 of 22 governorates have fled their homes.\(^2\) In Syria and Iraq, we are conscious of the growing evidence of war crimes, crimes against humanity and systematic efforts to destroy the cultural heritage in Daesh-controlled territories.

Adolescents in and from Syria and elsewhere face multiple pressures from economic hardship, compounded by insufficient legal frameworks and physical protection, that often result in dangerous, exploitative and inequitable work environments in an effort to support household income. Adolescent girls are particularly at risk of physical and psychological isolation, early marriage, and transactional sex.

Experiences from Syria, Iraq, Gaza, Libya and Yemen clearly tell a story of internally displaced and local populations under siege. Whilst UNHCR and NGOs can work with communities to increase survival of these populations of concern through better preparedness, political solutions to these conflicts are needed.

5. Asia Pacific

We remain concerned about the protection of Rohingya persons pushed back to sea by Malaysia, Thailand and Indonesia in May 2015. We also note the challenges in receiving aid and proving property ownership stateless people face in the aftermath of the Nepal earthquake.

**Protection implications: when assistance is insufficient to meet needs**

Global funding for humanitarian assistance saw a third consecutive annual increase in 2015 in overall contributions, including nearly an 11% increase from donor governments. Needs continued to outpace donations, as UN-coordinated appeals were underfunded by an average of 45% in the same period.\(^3\) For example, UNHCR operations in 2016 were underfunded in Central African Republic, South Sudan and four-country response to Burundian refugees of respectively 96%, 87% and 72% at time of writing.

When funding is particularly low, children and vulnerable groups may be at particular risk.

- In Chad, funding for education of Darfur refugee children has been cut by one third due to lack of funding.

\(^2\) IDMC, 2016 GRID Report [http://www.internal-displacement.org/globalreport2016/]

\(^3\) Global Humanitarian Assistance report 2016 [http://www.globalhumanitarianassistance.org/]
In South Sudan, underfunding in 2016 is likely to lead to a significant scaling-down or closure of the Family Tracing and Reunification program, despite the registration of close to 41,000 separated and unaccompanied South Sudanese children across the region.

In Somalia, financial support for education and gender-based violence remain top priorities.

When needs outpace funding, bureaucratic and administrative delays and obstacles represent costs we cannot afford. We welcome the engagement of long-term development and private sector actors alongside the introduction of multiyear budgets, and a move to more cash-based assistance. We call on UNHCR to comprehensively engage with development actors to ensure greater integration and social cohesion for returning refugees and protracted displaced populations as protection framework.

We call on UNHCR to be a keen advocate with hosting governments to ensure open humanitarian and NGO operational space, and to ensure that both policy decisions and policy operationalization facilitate effective program implementation.

Protection concerns for durable solutions

NGOs welcome durable solutions and better management of protracted displacement, which enable refugees and IDPs to live a life of dignity. We are pleased to see many country-level initiatives to establish durable solutions strategies whereby governments, host communities, IDPs, refugees and the humanitarian community work together to develop common solutions that provides voluntary, safe and dignified return to zones of origin, integration with host communities, or resettlement into a third country.

On Resettlement

NGOs welcome the increased refugee resettlement commitment by Canada, Australia and others in Fiscal Year 2016, but we are concerned that the commitments still fall short of durable solution needs. We urge UNHCR to use resettlement strategically to improve protection for both the resettled and non-resettled populations, especially in the Africa and Asia Pacific regions. NGOs are concerned about unnecessary delays in resettlement processing due to the increasing prioritization by states of security concerns over protection. NGOs in Australia continued to express concern about changes to domestic law that allow individuals who were resettled to have their permanent protection visas or citizenship revoked, opening up the potential for refoulement. NGOs also express concern for those found to be refugees on Nauru and Manus Island.
On Returns:

NGOs are greatly concerned with the increasing political pressure in certain contexts to promote repatriation without full respect for the principle of non-refoulement as enshrined in the 1951 Convention and its 1967 Protocol. It is a violation of international law to return a person to a state or authority in which there is reason to believe that they could be subjected to persecution, or where the authorities are either unable or unwilling to guarantee the basic protections afforded to civilians under international humanitarian law.

NGOs’ concerns include:

- **The Syria crisis and European response**: Legal measures in countries hosting Syrian refugees that lead to artificial differentiation between Syrian refugees perceived as “real refugees” and Syrian refugees perceived as “economic migrants”. This is coupled with heightened rhetoric around “safe zones” and claims that safe return is possible without a political solution in Syria. Furthermore, we believe Turkey’s work to push repatriation agreements through its parliament to facilitate repatriation of non-Syrian nationals must be closely monitored to ensure that the resulting movement of individuals is carried out with due respect for their safety and dignity.

- **Northern Triangle**: We acknowledge UNHCR’s efforts to open offices in the Northern Triangle in recent months and renewed efforts by the governments of El Salvador, Honduras, Guatemala and Mexico to protect these persons of concern. Although Mexico has very broad asylum laws, its rate of granting asylum to persons from the Northern Triangle of Central America is very low. NGOs also remain concerned by the detention of Central American individuals – including families and unaccompanied children, many whom are seeking asylum in the United States and Mexico -- as well as their refoulement and a lack of adequate due process despite a well-documented humanitarian crisis in their countries.5

- **In South Sudan**, NGOs have had concerns over the level of information and voluntariness of the government-facilitated returns. These concerns are likely to become much more acute as the country moves from having 10 states of largely mixed ethnic groups to 28 more ethnically homogeneous states;

- NGOs are concerned with rhetoric by senior leadership in Nigeria on the technical defeat of Boko Haram and the return to normalcy in northeastern Nigeria, which is likely to heighten the Government’s urgency to facilitate and encourage IDP returns as an indication of its military success.

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• Last but not least, a stronger and more coherent approach to protection is needed in relation to the indiscriminate use of **explosive weapons** against civilians. Any return of refugees and IDPs will be dependent on a minimum of clearance of explosive remnants of war as a prerequisite for safe travel, the reopening of critical institutions such as school and health facilities and restoration of livelihoods.

_We call on Members States to ensure that in no cases are collective expulsions permissible or are irregular means of entry held against asylum seekers. We urge UNHCR to uphold the protection of people in transit, whether refugees or asylums seekers. Finally, we recommend monitoring the condition of asylum seekers returned before their asylum applications were fully processed._

**Reinforcing durable solutions in the 19 September Summit**

In addition to strengthening resettlement and voluntary repatriation, NGOs welcome the UN Secretary General’s report In Safety and Dignity: Addressing Large Movements of Refugees and Migrants and his announcement to “initiate an UN-led global campaign to counter xenophobia, emphasizing direct, personal contact between host communities and refugees and migrants”\(^6\). Recognizing the positive contributions of refugees in their hosting society is essential for further local integration. This has to be done through “inclusion of refugees and migrants in all spheres of social, cultural and economic life.”\(^7\)

On 19 September 2016, United Nations Member States will meet to discuss the recommendations laid out in the Secretary-General’s report to the General Assembly on addressing large movements of refugees and migrants. We welcome calls for greater sharing of responsibilities for refugees, in order to safeguard their rights and ensure that the impact of their flight is not disproportionately borne by some countries and regions, based on their proximity to countries of origin.

We believe more emphasis should be directed to work with civil society and city governments to jointly promote openness and solidarity among the local communities receiving refugees, which would increase chances of accessing educational and health services and employment, and ultimately integration for persons of concern. With global waves of displacements, insufficient funding, and protracted nature of refugee situations, making use of vast human resources among refugees and other displaced persons for work and productive activities must be further explored as we endeavor to find durable solutions.

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7 ibid
Conclusion

This year is proving to be a year of extreme challenges to international systems of protection. Protracted displacement has become the predominant model, which poses specific protection challenges to all actors – including hosting governments, donors and the UN system – and requires new models of response. There needs to be political solutions to conflicts that cause displacement.

However it is also a year of great opportunity and hope. Last week at the 2016 annual partners’ consultation, displaced and host community youth challenged NGOs and UNHCR leaders to recognise their unique capacities as agents of change. At WHS, commitments were made to end statelessness by 2024 and ensure equal (50%) and meaningful participation of women and adolescent girls in all decision-making processes and structures relating to forced displacement by 2020. Through Wilton Park, the WHS, and the upcoming 19 September Summit there is the possibility for progressive development of international, regional and national refugee law and more effective implementation of legal standards in practice. With the needs and capacities of people of concern guiding our collective action, let us seek solutions for refugees, stateless, internally displaced and other persons of its concern.

A full version of the statement is available on ICVA’s website at icvanetwork.org.

Thank you Mister Chair.  

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8 For more information visit:
- https://www.hrw.org/news/2016/03/14/us-children-face-deportation-without-lawyers