Executive Committee of the
High Commissioner’s Programme

60th Meeting
1-3 July 2014

NGO Statement – International Protection

Agenda Item 2(a)

Extended Version

Mr. Chair, Ladies and Gentlemen.

This statement has been drafted in consultation with, and is delivered on behalf of, a wide range of NGOs and aims to reflect the diversity of views within the NGO community.

NGOs thank UNHCR for its summary of international protection issues and would like to draw the Standing Committee’s attention to ten key areas for follow-up.

First, we would like to underscore the centrality of protection to all our efforts, consistent with our support the Inter-Agency Standing Committee Principals’ Statement on the Centrality of Protection in Humanitarian Action. As was affirmed during the Annual Consultations with NGOs, it is essential that we work with affected populations to support their own measures to enhance protection, and we must meaningfully build our support for their efforts into our own strategies, in particular strategies supporting the active participation and leadership of refugee and displaced women. We reaffirm the importance of ensuring that the protection of all crisis-affected people informs humanitarian decision-making and response, including engagement with States and non-State parties to conflict regarding their obligations. Protection must be central to our preparedness efforts, as part of immediate and life-saving activities, and throughout the duration of humanitarian response and beyond. We reiterate the call UNHCR made in its ‘Note on International Protection’ for the international community to ‘share burdens and responsibilities and to redouble its efforts to find solutions’ to the many emergencies and protracted refugee crisis situations around the globe. We also welcome the independent whole-of-system review of protection in humanitarian action and encourage UNHCR collaboration and leadership to facilitate inter-agency implementation of its recommendations at the conclusion of the review. NGOs are also concerned for the safety of refugees and other foreign nationals targeted in xenophobic attacks. A case in point is the wave of attacks seen during the first half of the year in South Africa.

Second, we urge States to ensure international protection for those fleeing across borders, including by ensuring access to territory and adhering to the principle of non-refoulement. Non-refoulement is the cornerstone of international protection. We therefore ask UNHCR to support better monitoring of government practices that undermine it. We are increasingly concerned about closed and managed borders in the MENA region. Turkey, Jordan, Lebanon and Iraq continue to limit the number and type of asylum seekers allowed to seek protection. Vulnerable asylum seekers may be trapped inside Syria. Closing official borders only increases crossings at unofficial border points thereby putting the life of refugees at risk, resulting in negative practices such as smuggling and trafficking. We call for Syria’s neighbouring countries to keep their borders open and urge the international community to provide greater economic support. We urgently need a global Comprehensive Plan of Action (CPA) that builds on UNHCR’s recommendation for international responsibility-sharing for refugees fleeing Syria, and call for expanded temporary protection,
resettlement, and emergency visa programs. We also ask UNHCR to pay utmost attention to situations where, like in Bangladesh, people fleeing are not all granted refugee status, but they all face the same threats and risks; this creates discrimination among refugees, and strong gaps in impartiality of support, which undermines the core principles of humanitarian intervention. We are also concerned about the deportation of Somalis from Kenya, South Africa, and Saudi Arabia. Somalia remains unstable and unsafe for these returns; we recommend a moratorium on the deportation of Somalis. The news that Cambodia has agreed in principle to accept refugees who were intercepted on their way to Australia by boat is deeply alarming, and we urge all States to recognize that the forcible transfers of asylum seekers are not legitimate forms of resettlement. We look to UNHCR’s new Global Initiative on Protection at Sea to strengthen protection from refoulement for all refugees, asylum seekers and stateless people fleeing by sea. We are deeply concerned that the fencing and increased surveillance of the Greek-Turkish border, and proposed fencing of the Bulgarian-Turkish border will continue to push more refugees into dangerous sea journeys.

Third, we urge all States to refrain from arbitrary and otherwise unnecessary uses of immigration detention. While many states are now seeking to implement alternatives to immigration detention, the use of unnecessary immigration detention is still on the rise globally. Immigration detention has been clearly shown to harm the mental and physical health and well being of those detained, particularly children, families and other particularly vulnerable groups. It also infringes on fundamental human rights to liberty, freedom of movement, and security. Of particular concern is the situation of stateless persons who cannot be deported but remain in prolonged detention without solution to their situation. UNHCR should continue to advocate for States to implement non-custodial, community-based alternatives to detention, and to end the immigration detention of children as an achievable priority. UNHCR’s October 2012 Detention Guidelines should be effectively implemented in practice. NGOs stand ready to assist. We have been alarmed these last few days at the events related to the Holot facility and at the treatment of Eritrean and Sudanese asylum-seekers. We call upon Israeli authorities to immediately being processing these claims for asylum.

Fourth, we urge States to take action in support of the 60th anniversary of the 1954 Convention relating to the Status of Stateless Persons. It is important to remember that statelessness is solvable. This year UNHCR will launch a ten-year campaign for the eradication of statelessness globally. NGOs call on States to support UNHCR’s campaign, including by resourcing UNHCR, civil society and other actors to contribute to this global effort. A first and vital step in achieving this goal is to halt the spread of statelessness. Every effort must be made to ensure that no child has to face life without a nationality. The right of every child to a nationality is recognised in widely ratified international instruments, including the Convention on the Rights of the Child. States must first put in place robust safeguards for preventing and addressing statelessness within their own territories. All States who have not yet acceded to the Convention are called on to do so. Far greater recognition of the urgency of the situation and leadership must be shown by concerned actors in order to realise the commendable ambition articulated by UNHCR to eradicate statelessness within a decade. Civil society is committed to supporting these efforts, and encourages effective collaboration and partnership with all relevant stakeholders.

Fifth, we encourage UNHCR and States to promote legal frameworks, policies, funding and coordination for internally displaced persons (IDPs). Despite the humanitarian reforms launched in 2005, we have yet to enjoy a humanitarian system that consistently provides robust responses to internal displacement. The December 2013 High Commissioner’s Dialogue on IDPs marked an opportunity to galvanize support for two priorities: the implementation of the Kampala Convention and the Secretary General’s
Durable Solutions Framework. The next round of UNHCR budget discussions will provide an opportunity to ensure adequate operational coverage for IDPs based on needs. UNHCR must prioritize its critical role as the protection cluster lead agency by mobilizing the expertise of the diverse array of humanitarian actors contributing to protection of all populations affected by internal armed conflict and natural disaster. Donors should also ensure that such collaborative efforts receive greater support. We also draw attention to IDPs in Iraq – we are concerned about the lack of attention to the 500,000 persons displaced by the Anbar crisis prior to the additional 500,000 recently displaced from Mosul. We call on donors to provide resources for these IDPs, along with the 225,000 Syrian refugees, all of whom require and deserve assistance proportionate to their needs and irrespective of their status, religion or political affiliation.

Sixth, we urge UNHCR to make strengthening child protection a priority. In most refugee receiving countries unaccompanied minors do not receive refugee status. Instead they often receive temporary asylum status (in South Africa, for example) or discretionary leave to remain (in the United Kingdom, for example). This leaves children more vulnerable without any valid documentation when they reach adulthood. More has to be done to strengthen refugee protection of separated and unaccompanied minor children, including in the United States where changes are under consideration regarding the treatment of unaccompanied minors from Central America.

Seventh, we encourage UNHCR and Member States to strengthen access to education at all levels as a protection tool. Human rights mechanisms emphasise education as a basic human right. Communities themselves prioritize education; education is life-saving, builds resilience, protects, supports other sectors, improves livelihoods, and transforms communities. For refugee children, education is especially important because it not only develops skills: it creates a sense of security and hope and can pave the way for permanent solutions for some. Yet in 2013, it was reported that in the Za’atari camp in Jordan, where half of the 120,000 persons are children, “76% of girls and 80% of boys between the age of 6 and 18 years [did] not attend school.” This is not an isolated case. Member States must make education a priority.

Eighth, we urge UNHCR and Member States to strengthen the protection of women. Women and girls are uniquely and disproportionately affected by armed conflict. Their plight during and after conflict is evident in the reported number of rapes— for example between 100,000 and 250,000 women were raped during the three months of genocide in 1994 in Rwanda, more than 40,000 in Liberia (1989-2003), up to 60,000 in the former Yugoslavia (1992-1995), and more than 400,000 women ages 15 to 49 experienced rape between 2006 and 2007 in the Democratic Republic of Congo. The rape of girls and women, in no matter what the situation or circumstances cannot be tolerated and must be put to an end and efforts stepped up by all concerned, including communities and states to bring the perpetrators to justice. The theme of this year’s UNHCR-NGO Annual Consultations, “Women’s Leadership and Participation.” We discussed the need for the recognition of refugee status on the basis of sexual violence and access to health and psycho-social support services for refugee survivors of sexual violence, in particular the key role that refugee and displaced women’s community organizations play as frontline responders of first resort. UNHCR, INGOS and donors are urged to develop strategies to support the active engagement, resourcing and participation of women’s groups and CBOs in protection planning and response activities.

Ninth, we urge UNHCR and Member States to maintain their commitment to Age, Gender and Diversity (AGD)-sensitive programming. In line with its Age, Gender and
Diversity (AGD) Policy, and as per UNHCR and WHO guidelines and the 2010 ExCom Conclusion on Disabilities, we urge UNHCR to give adequate consideration to cross-cutting issues that may increase vulnerability and protection risks, including disability, older age, and injury. The magnitude of these cross-cutting concerns is significant. In Jordan and Lebanon, 30 per cent of Syrian refugees are affected by an impairment, injury or chronic condition: one in five refugees lives with a physical, sensory or intellectual impairment; one in seven is affected by chronic disease; and 5.7% suffers from a significant injury. It is crucial for age and disability considerations to be mainstreamed throughout the humanitarian response, in order to ensure principled interventions that guarantee equal access to assistance. We strongly encourage UNHCR to maintain an age and disability inclusive approach in all of their coordination and implementing efforts. Recent legislation to strengthen (Uganda, Ethiopia) or implement (Russia, Nigeria) laws criminalizing same sex sexual activities is cause for concern. Individuals fleeing persecution on the basis of sexual orientation must find protection under Article 1(A) of the 1951 Refugee Convention, as “[members] of a particular social group.” We furthermore urge UNHCR and NGO staff to track and release data on its LGBTI caseloads and to train UNHCR staff worldwide to protect lesbian, gay, bisexual, transgender and intersex (LGBTI) refugees.

Finally, we strongly encourage UNHCR, the Red Cross/Red Crescent Movement, and NGOs to strengthen their application of the Principles of Partnership in their complementary efforts to promote protection. This can be enhanced in the coming year with the ongoing rollout of the High Commissioner’s Structured Dialogue, streams of work flowing from the 2012 High Commissioner’s Dialogue on Faith and Protection, and UNHCR’s coordination model for refugees and mixed populations. We also look forward to working with UNHCR, international NGOs, and national NGOs to seek ways to help each other strengthen capacities. All of these initiatives require time, patience, good communication, resources, and a long-term commitment.

Thank you Mr. Chair.