NGO statement on International Protection

Mr Chair, Ladies and Gentlemen,

This statement is delivered on behalf of a wide range of NGOs. It has been prepared in close consultation with the NGO community, representing a diverse set of views.

- Today the world continues to face massive humanitarian challenges due to armed conflicts, climate change, political and economic crises, and other challenges. 68.5 million forcibly displaced people illustrate the level of protection and humanitarian needs faced by millions today.
- Protection is a central concern for all facing threats to their lives, safety and security, discrimination, loss of access to basic services and other risks.
- Despite International Humanitarian Law and International Human Rights Law, as well as the recent affirmation of the Global Compact on Refugees, some Member States continue to implement policies that are violating the rights of asylum seekers and stateless persons, creating situations of forced returns and denial of rights to international protection.

1. Reaffirm the right to seek asylum and non-refoulment as core principles of 1951 Refugee Convention and other applicable conventions and standards

- The NGO Community is concerned about different measures and administrative obstacles applied by some Member States, or specific labelling of groups or individuals, such as Rohingya labelled as “forcibly displaced nationals from Myanmar”, “Venezuelan migrants”, and “illegal migrants”. This is effectively undermining the ability of individuals to obtain international protection, thus violating States’ obligations under the 1951 Refugee Convention, its 1967 Protocol, as well as other applicable sources of international law such as the refugee definition of the Cartagena Declaration regarding the Americas.
- NGOs are also concerned with externalising border controls and outsourcing of border management to transit countries, often resulting in poor reception conditions, and inadequate assessments of asylum claims, and leading to denial of rights to seek asylum and other human rights violations, and creating even deeper hazards for the most vulnerable, including becoming victims of trafficking, rape and other forms of sexual and gender-based violence.
- Furthermore, policies implemented by some member states towards populations fleeing to safety due to organised crimes, political violence and conflicts, often result in family separation and detention of cases classified as illegal entries. Unaccompanied minors that are fleeing violence in their own countries are particularly vulnerable in such situations.
- All returns should take place only when the conditions in countries of origin become conducive to the organised return of refugees in a safe, dignified, and voluntary manner, and in accordance with international law and with respect of the principle of non-refoulment. Efforts must be made to address the extreme vulnerability, ensure access to basic human rights, such as the right to a nationality for migrant and refugee children, education, social protection, and health, and access to justice, as well as support durable solutions, resettlement and long-term integration of asylum seekers and refugees that are unable or unwilling to return to their countries of origin.
- Monitoring of returns is a major challenge. For example, Europe’s policies of returning Afghan citizens back to Afghanistan is not considering the ongoing instability and insecurity in Afghanistan and unclear situation with regards to durable solutions. Citizens of many other countries face similar situation, such as Iraqis, or asylum seekers facing collective expulsions in
Americas, especially Venezuelan nationals in South American countries, leading to issues such as secondary displacements.

- We call on Member States to respect their obligations under the applicable international refugee law, international human rights law, and ensure the rights of all individuals who have well-founded fear of persecution, be that due to organised crimes, political violence or conflicts, to access fair and effective procedures for assessing asylum claims and international protection.
- We also urge host governments to stop individual and group deportations that are not in line with non-refoulement principles and that are conducted with no due process guarantees. Furthermore, NGOs appeal to UNHCR to monitor the compliance of host governments with regards to the rights of refugees and monitor that countries’ deportation procedures are in line with non-refoulement and international standards.

2. The right to nationality - addressing statelessness:

- The NGO Community is concerned with the human rights impact of statelessness, affecting an estimated 10 to 15 million people in the world¹, despite SDG Goal 16.9 that targets legal identity for all. This represents a failure of protection at national and international levels.
- Each year 70,000 children are born stateless somewhere in the world, denying them their basic human right (birth registration), leading to inability to access education, health, social and other services. Gender discrimination, discriminatory policies and practices and the lack of safeguards in national laws to prevent statelessness are further causes of statelessness. There are 25 countries today that do not grant women equal rights as men in conferring nationality to their children, while some 50 countries deny women equal rights with men in their ability to acquire, change or retain their nationality, or to confer nationality on non-national spouses.
- NGOs note with great concern the alarming number of children of Venezuelan parents in Colombia facing a risk of statelessness, due to Colombian constitutional requirements for granting nationality of children born in Colombian territory.
- Stateless communities can be at risk of forced displacement, that can also lead to new cases of statelessness. As noted by UNHCR, more than 75% of the world’s known stateless populations belong to minority groups². They are often discriminated and can be denied nationality or be forcibly deported because of their racial, ethnic or religious background.
- To mark the half-way point of the #IBelong campaign to end statelessness, UNHCR will convene a global High-Level Segment on Statelessness as part of its Executive Committee meeting in October 2019. States are welcomed to deliver concrete pledges on what actions they will take to address statelessness. In preparation, States are advised to listen to the lessons of over 250 activists, advocates, academics and artists, who will discuss the right to nationality, citizenship and inclusive societies for all, at the World Conference on Statelessness in The Hague³ from 26 to 28 June.
- The NGO community calls upon Member States to take decisive action and, in line with international law and conventions, end discrimination in their citizenship laws, and eliminate statelessness and all further risks of statelessness, including among children, women, the forcibly displaced, ethnic, racial and religious minorities and those arbitrarily deprived of their nationality. In order to eradicate statelessness globally by 2024, it is vital that all States not only make pledges but also take quick action to implement them, in preparation of the October High-Level Segment.

3. Addressing discrimination and ensuring access to protection, humanitarian assistance and services to all, particularly to those experiencing extreme exclusion

- Civilians in need have the right to receive humanitarian relief essential to their survival, in accordance with IHL. Ensuring access to protection and recognising its centrality in identifying all persons affected and at risk, should be part of life-saving and all other humanitarian activities.

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¹ UNHCR estimated 10 million people to be stateless while some other sources estimate that number to be at 15 million. There are presently no precise data, as the mapping of stateless persons was not yet conducted globally.
³ Further information could be found: http://institutes.org/conference.
In many countries, forcibly displaced individuals are often in difficult and precarious situations forcing them to be “invisible”. This is due to inequality and discrimination, lack of legal documentation, preventing their access to rights, protection and services, such as education, health care, social services, and access to employment. In addition, stress, trauma, and psychosocial distress are just some of the psychological negative impacts faced daily by forcibly displaced individuals.

Some of the most vulnerable groups include:

- **Women** under threat of SGBV, exploitation, harassment, trafficking, social isolation, economic insecurity, constraints in accessing healthcare, including life-saving sexual and reproductive health care and education, often leading to negative coping strategies including survival sex.

- **Boys and girls** exposed to risks including those of SGBV, human trafficking, child labour, forced early marriage, lack of access to healthcare, education and social services, and often – lack of access to birth registration and legal identity document. Compared to other age groups, **children under 5** in conflict and crisis contexts have the highest illness and death rates – twenty-fold higher than standard levels. Furthermore, prolonged deprivation and elevated stress levels put them at extremely high risk of inadequate cognitive, social and emotional development, with negative consequences on their learning abilities.

- **Adolescents and Youth** who, at a crucial stage in their development, are denied or have limited access to post-primary education and livelihoods opportunities, without the right to work and durable solutions, often resulting in survival sex or early marriage for female youth, while male youth are often regarded as a potential security threat.

- **People living with disabilities** are frequently excluded from assistance due to physical, social and institutional barriers. Specialized and targeted services do not always include people living with disabilities who face significant challenges accessing legal documentation, resulting in additional barriers in accessing support. The lack of access to proper medical and psychological care prolongs or worsens disabling conditions among children, older people and other members in the community.

- **Victims of torture, ill-treatment and other forms of violence, such as SGBV**, frequently suffer from social isolation, stigma and feelings of fear and mistrust towards authorities and non-governmental providers. They may be less resilient because of the devastating consequences of violence. They often experience difficulties in accessing specialised medical and psychological care and other services.

- **People who identify as lesbian, gay, bisexual, transgender, queer or intersex (LGBTQI)** are often socially excluded and at high risk of discrimination, stigma, and sexual and physical violence. They may face barriers to accessing healthcare, housing, education, employment, information and humanitarian facilities.

- **Ethnic and racial minorities and other socially-excluded minorities**: Many other minorities due to their specific situation are also facing major problems with discrimination and access to protection, including civilian families of ex-combatants, or special ethnic groups, such as Yazidis. States must recognise the particular vulnerabilities of these groups, that mostly include women, young and adolescent boys and girls, as well as older people and ensure that protection and access to services is available to them.

The NGO community urges Member States to ensure protection and equitable access to life-saving and essential services for all communities and individuals, and especially those that fall within the most vulnerable categories, in line with IHL, IHRL, and other international conventions and treaties.

4. Shrinking humanitarian and protection space

- Insecurity, international targeting of medical and humanitarian facilities, and bureaucratic and legal impediments create a growing gap between communities requiring protection and assistance and the ability of humanitarian organisations to effectively reach and assist them.
Anti-terrorism legislations further limit principled humanitarian action, delays and increases the costs of assistance, limits access to populations in need, majority of whom are forcibly displaced, and creates situations where humanitarian organisations may avoid certain high-risk humanitarian context. The recently adopted Security Council resolution 2462 is another major concern in this regard.

We urge Member States to make a clear distinction between anti-terrorist legislations and humanitarian action that strives to provide protection to the most vulnerable, and to reconsider aspects of these legislations that effectively limit humanitarian access and civil society space.

We also urge Member States to simplify the bureaucratic procedures and support principled humanitarian and protection action through increasing humanitarian access to enable assistance to vulnerable communities and individuals, thus ensuring that one of their basic human rights are being met.

Thank you, Chair.