NGO Statement on international protection and solutions

Dear Chairperson,

This statement is delivered on behalf of a wide range of NGOs.

- Over the past year, we have again witnessed shrinking protection space and the proliferation of policies that deter persons of concern from enjoying their rights; create conditions for *de facto* forced return; and build barriers to international protection.
- Although we recognize the progress made through the CRRF, we highlight the following concerns:

1. **On non-refoulement:**
   - NGOs are concerned that forced displacement continues to be at extremely high levels, while Member States are often retreating from their obligations to respect the right to seek asylum.
   - NGOs are particularly worried by the situation of stateless Rohingya including obstacles to scaling-up their protection and plans to repatriate them. Any such effort would currently be tantamount to *refoulement*, strictly prohibited under international law. Concerns also exist about labelling the Rohingya as “forcibly displaced nationals from Myanmar”. This denies both their statelessness and refugee status, each of which entitle them to international protection.
   - NGOs urge States to meet their obligations under the Refugee and Stateless Conventions as well as human rights law to uphold the right to seek asylum and ensure access to fair and effective procedures for assessing international protection claims.
   - NGOs are also concerned by increasingly restrictive interpretations of the 1951 Refugee Convention and policies that criminalize asylum-seekers, resulting in family separation or prolonged detention, as seen along the US-Mexico border. In some Central American countries, thousands of unaccompanied children and families are forced to flee because of gang-related violence and persecution. New forms of violence and mixed migration situations should not result in excluding populations entitled to international protection, as recognized in international jurisprudence.
   - NGOs are also concerned by persistent tactics used by many developed States to obstruct the right to seek asylum through the externalization or outsourcing of border management; deeply inadequate reception conditions; restrictions on family reunification; mistreatment and new legislative barriers to refugee status recognition.
   - While there is anecdotal information pointing to killing and secondary displacement of returned cases, there is no reliable data on the fate of individuals denied asylum and deported without due process. There is also no organized empirical assessment of the negative impacts of large-scale returns to fragile post-conflict situations, such as Afghanistan.
• Indeed, the international refugee system lacks a systematic return monitoring mechanism. NGOs urge UNHCR to work with Member States and other stakeholders to establish effective return monitoring based on collecting and sharing data on the outcomes and impact of forced returns.

2. **On access and non-discrimination:**
   • NGOs are concerned by growing evidence that protection in humanitarian contexts often does not reach the most vulnerable, including minorities and stateless persons. Greater attention must be paid to intersection between multiple vulnerabilities.
   • In particular, women and girls disproportionately face violence during conflict and humanitarian emergencies. Yet, they struggle to access appropriate response services due to pervasive gender inequality, discrimination and lack of resources.
   • Many adolescent girls face a variety of abuses, including forced marriage, forced prostitution, and rape. Adolescent girls also struggle to access services designed for women or children, which fail to address their specific needs.
   • NGOs urge UNHCR and Member States to commit resources for life-saving health and protection services tailored to the needs of women and adolescent girls in conflict and crisis settings.
   • Children, adolescents, older persons and persons with disability also face unique barriers to protection. It is critical that steps are taken to ensure delivery in humanitarian contexts on the SDG commitment to ‘leave no one behind.’
   • NGOs welcome increasing international commitment to ensure LGBT individuals can enjoy full protection of their human rights, and the recognition that they should not be persecuted. UNHCR should invest in the sensitization of international actors to ensure principles translate into practice.
   • NGOs welcome the increased focus on integrated access to services, safety nets and social protection for refugees. A stronger business case needs to be made to integrate refugees into national plans, with additional funding through instruments such as IDA18.
   • NGOs also welcome UNHCR’s updated AGD policy, which brings together essential components for effective and inclusive programming, including disaggregation of data. Partnerships between humanitarian actors and disability specialists should be supported to strengthen capacity, and provide dedicated technical support and guidance to improve access to services for persons with specific needs. This could also help reduce stigma and discrimination experienced by these populations.
   • Adapting services to ensure access is often constrained by funding gaps. Assistive devices should be prioritized in humanitarian assistance to ensure persons with disability receive adequate support.

3. **On Humanitarian-Development coordination:**
   • With the length of displacement averaging 17 years, we face an increased scale of protracted situations. However, despite widespread acknowledgement of the need to find durable solutions, policies continue to prevent local integration and promote premature returns.
   • Each of the three durable solutions ultimately aim for reintegration. A solutions-oriented approach must therefore focus on building refugees’ self-reliance and resilience, giving them back their dignity. This cannot be achieved without the right to work and freedom of movement.
UNHCR and Member States must ensure that return and reintegration are addressed together, both through the CRRF and by engaging with development actors in planning and programing. We need to improve humanitarian-development coordination to find solutions to protracted displacement.

UNHCR should support Member States to adopt comprehensive national and regional solutions frameworks with common outcomes to support accountability and analysis on durable solutions. We have a collective responsibility to challenge our structures and systems to do more and better in the search for durable solutions. This change requires political resolve, long-term investments and multi-sectorial rights and needs-based programming, while also working towards prevention.

We must also recognize that displacement-affected communities have the right and capacity to participate in decisions impacting their life. A participatory process is key to supporting return and reintegration processes in order to make solutions lasting, locally relevant and supportive of social cohesion.

A detailed version of this Statement is available on icvanetwork.org

Thank you.