

**NGO Statement on General Debate
Agenda item 3**

Thank you, Chair.

This statement has been drafted in consultation with, and is delivered on behalf of, a wide range of non-governmental organisations and refugee-led networks, and aims to reflect a diversity of views.

Significantly, this statement has been informed by discussions that took place at the Global Summit of Refugees held in Geneva in June, the first meeting of its kind to bring together representatives of different refugee-led networks and organisations from across the world to discuss how those who have been forcibly displaced can have a greater say in decision-making fora. The Global Summit of Refugees was a refugee-led initiative, and demonstrated the enormous capacities, desires and determination of refugees to be part of creating effective solutions to the challenges of forced displacement.

NGOs would like to once again acknowledge the vital and life-saving work of UNHCR in striving to advance protection and solutions for refugees, internally displaced and stateless people. The NGO community would like to take this opportunity to reflect on the progress made and challenges ahead for achieving the five core objectives outlined in UNHCR's 2017-2021 Strategic Directions¹ to: protect, respond, include, empower and solve.

Protect

The objective of UNHCR to act as a "strong, principled and persuasive advocate for the rights and needs of forcibly displaced people and of stateless persons" is strongly endorsed by NGOs. The need for strong **advocacy and leadership** is considerable, as forced displacement reaches levels unseen since World War II and xenophobia and anti-refugee sentiments are on the rise in many parts of the world, diminishing existing protections in some contexts. Refugees and other forcibly displaced people continue to be denied basic protections and rights by many host countries in which they reside, including the right to work, live and move freely, obtain identity documents, and access basic services (including legal, education, health). NGOs commend UNHCR's principled response to situations such as Australia's treatment of refugees in Papua New Guinea² and Nauru³ and Europe's treatment of rescued persons at sea,⁴ but call on the organisation and States to consider how to more consistently speak out about situations where the rights of forcibly displaced people are grossly undermined.

We continue to call for **reinforcement of the normative frameworks and institutional practices** that already exist, especially of and by States, to guarantee the protection of asylum seekers and other forcibly displaced people seeking refuge and humanitarian assistance. This includes, importantly, the current barriers facing many people seeking protection in accessing timely refugee status determination, due process, and other legal pathways to regular status (i.e. complementary protection). We thus endorse

¹ <http://www.unhcr.org/5894558d4.pdf>

² <http://www.unhcr.org/en-au/news/briefing/2017/12/5a3cce224/australia-must-secure-solutions-refugees-abandoned-manus-island.html>

³ <http://www.unhcr.org/en-au/news/press/2018/4/5ac60a074/transcript-unhcrs-top-asia-official-briefs-press-australian-offshore-processing.html>

⁴ <http://www.unhcr.org/en-us/news/press/2018/8/5b805f6e4/unhcr-calls-europe-humanitarian-principles-receive-rescued-diciotti-passengers.html>

UNHCR's objective to strengthen "operational capacity for the delivery of protection, prioritizing registration and documentation of refugees, the protection of unaccompanied or separated children and measures to protect and empower displaced women and girls". The importance of access to documentation and guaranteeing the principle of *non-refoulement* is paramount.

NGOs call on both UNHCR and States to consider how a **lack of access to legal advice and representation** in many different parts of the world mean that vulnerable people may not understand their rights and are not able to effectively access needed protection. As part of UNHCR's goal to "pursue creative, principled and pragmatic approaches to the challenges of forced displacement and statelessness," that are "based on a dynamic interpretation and the progressive development of law and practice", we call on UNHCR to see civil society — including refugee-led organisations and NGOs — as willing partners in ensuring legal processes are accessible and understood by those who need it. Furthermore, we remind that the **detention** of those seeking protection should be avoided and the least restrictive alternatives pursued, guided by liberty as a human right, and in recognition that effective alternatives are possible. We note that detention is never in the best interests of the child.

Respond

In the context of ongoing and significant shortfalls of funding for humanitarian responses at a global level, refugees in many parts of the world are struggling to survive. The NGO community acknowledges UNHCR's pledge to maintain and reinforce the organisation's capacity to respond to emergencies and to **work collaboratively with partners**, including national and local governments and organisations, the Red Cross and Red Crescent Movement, and other national actors, and we call on states to make renewed financial commitments to making this happen.

We call on UNHCR to consider how to quickly and effectively **involve refugee and host community representatives, including civil society organisations, in coordination and planning mechanisms** to ensure responses are centrally informed by the people most directly affected. The refugee-led organisations and networks which have developed in many countries and regions are willing partners and bring distinct perspectives and capacities that complement the technical expertise of NGOs and other actors. Any engagement process must recognize the diversity which exists within refugee populations, ensuring the perspectives of women and girls, youth, elderly, LGBTI and others are heard. While there is an acknowledgement that engaging with affected populations at the onset of an emergency presents challenges, there is potential to draw more significantly on diaspora or wider refugee-led networks in early stages, with a view to supporting affected communities to develop their own capacity for self-representation as responses shift from the emergency or crisis phase. Such an approach would assist UNHCR to also meet its goal of formulating "all assistance interventions with a protection and solutions orientation in mind which addresses risks and ensures access to safety and support, builds bridges to local communities and capacities, and maximizes opportunities for inclusion in local services and self-reliance".

Include

Refugee-led organisations and networks feel strongly about the importance of policies and responses to refugees using not needs-based but rights-based approaches. They rejected as inefficient and divisive the creation of separate and parallel policies or support systems for refugees only where the same should apply to refugees, asylum seekers and citizens alike. The NGO community thus welcomes the strategic direction of UNHCR to "promote the **inclusion of refugees, internally displaced and stateless people in mainstream national systems**, including health and education," and calls on States to consider how access to mainstream national systems can be better enabled. The inclusion of refugees, internally displaced and stateless people in mainstream national systems does, however, need to consider issues of equality, equity and access, ensuring that barriers to access that stem from the experience of displacement (such as trauma, language barriers or other differences) are taken into consideration, as well as the specific needs of groups within displaced populations with particular vulnerabilities and who experience discrimination, marginalization and exclusion, including LGBTI people.

Recognizing that forcibly displaced people themselves can contribute their skills to building national systems, there are calls from within the NGO community for UNHCR to not only present an “evidence-base case for enabling displaced and stateless people to contribute to the communities in which they live” but for UNHCR to model in its own organisation the benefits of providing **access to employment and other economic opportunities** for forcibly displaced people. There are teachers, doctors, nurses, engineers, entrepreneurs, administrators and other skilled persons among displaced populations whose skills could very effectively be applied to refugee responses through employment by UNHCR, as well as contributing significantly to meeting their own communities’ needs. We note initiatives such as the allocation of land to refugees in Uganda as examples of how responses can and should give primacy to approaches that empower.

Empower

The NGO community acknowledges the considerable developments that have taken place within the work of UNHCR over the past years in ensuring the organisation is **accountable to the people that you serve**. We particularly commend the establishment of the UNHCR Global Youth Advisory Council and facilitating increased participation of refugee-led organizations in its annual NGO Consultations. While these are important in working towards “innovative ways to amplify the voices of the people we work for”, there is much more that could be done to create space for forcibly displaced populations — the people we all serve — to be able to inform, collaborate and ensure accountability.

Empowerment comes when people take action themselves, and therefore creating spaces for those forcibly displaced to come together to organise, plan and act is fundamental. Participants at the Global Summit of Refugees talked about the **shortcomings of many existing participatory approaches** that are seen as passive — where consultations, surveys and seeking feedback on programming that has already been developed are the only avenues pursued. Instead, NGOs join with refugee-led organisations and networks in calling for effective participation that allows affected populations to have a voice and a vote in decision-making processes on equal terms with the other actors involved. As momentum builds in the development of **regional and global refugee-led networks**, we call on UNHCR and other actors to consider how to support, enable and collaborate with forcibly displaced communities and the representative structures that are being developed, and in this endeavour ensuring that a diversity of voices are heard (i.e. taking into account age, gender, ability, sexual orientation, faith and regional diversity).

Solve

In order to offer real alternatives, discussions about solutions must start with a recognition of the need for **refugee participation in decision-making**. There are many examples where far-reaching decisions have not been adequately informed by community perspectives, the recent decisions regarding cessation of protection for Rwandan and Chin refugees being examples of decisions which have left many thousands of people fearing for their future and where communities have called for a deeper involvement in decision-making processes from an earlier stage. A lack of consistency and transparency in application of rules and regulations, surrounding cessation of protection, acts to compound feelings of fear amongst refugee communities who may not be given an alternative. Options presented toward repatriating refugee communities should offer viable solutions based on legal counselling, community dialogue and information sharing on country of origin considerations. Repatriation schemes require prior design and confirmation by government and UNHCR offices and, subsequent individual cessation interviews should be designed to impart this information to gain prior, informed consent.

Making visible the serious **violations of human rights** that cause forced migration through different communication strategies is an alternative to challenge impunity in the countries of expulsion, combat discrimination and xenophobia in the host communities and call for solidarity in the protection of human rights.

We know from experience that family unity is a top priority for refugees because forced separation from family members only exacerbates their anguish and the trauma they have endured. Long family unification processes and ceilings take a heavy toll and make refugees feel unwanted. As NGOs and refugee-led networks, we strongly support UNHCR's pledge to **promote family reunification** and urge States to review policies which have the effect of keeping families apart or detaining asylum seekers, to expedite family reunification processing and augment humanitarian admission protection programmes that keep families together.

NGOs reiterate their support to the UNHCR-led #Ibelong campaign to **end statelessness by 2024**, and urge states to do likewise – thereby scaling up an effective shared commitment to solve statelessness through strong legal, political and diplomatic engagement. The planned High-Level Event to be organised by UNHCR in 2019 will provide states with an opportunity to promote achievements and/or pledge new action on statelessness. There will also be opportunities to benchmark progress through the Global Compact on Refugees process and the CRRF. The New York Declaration explicitly recognises that statelessness can be a root cause of forced displacement and that forced displacement, in turn, can lead to statelessness.

We also repeat the need for increased State accessions to the two UN Statelessness Conventions, in order to prevent new cases of statelessness from arising, every country's nationality laws should contain effective **safeguards to ensure that no child is born stateless**, including provision of nationality to those born on the territory who would otherwise be stateless. This objective also requires the removal of any gender, racial, ethnic or religious discrimination from nationality laws as well as achieving universal birth registration for all children born on a State's territory.

Statelessness can particularly be a cause of forced displacement and irregular migration where it is linked to lack of enjoyment of basic human rights and poor development outcomes. Moreover, statelessness can have a detrimental impact not only on affected individuals but also on the wider communities and societies in which they live. This is because exclusion of entire sectors of the population can create social and political tensions, and significantly impair efforts to promote economic and social development. In this regard **the 2030 Agenda provides opportunities to address statelessness**, including through Sustainable Development Goals 5, 10 and 16.9. It is crucial to ensure the resolution of protracted situations of statelessness through the grant of nationality by the country where persons have the strongest ties.

While supporting the need for more durable solutions and for complementary pathways where forcibly displaced persons may regularise their legal status, the NGO community caution against a shift toward **complementary protection** that does not provide those forcibly displaced with the same rights and protections set out in the Refugee Convention and where decision-making by States is discretionary, non-transparent and lacks due process. For example, the program to provide protection to Syrians in Argentina has resulted in applicants being rejected for "confidential reasons" which cannot be appealed and which limit unsuccessful applicants from applying for other entry visas.

Finally, NGOs and refugee-led networks welcome the momentum galvanized by UNHCR's leadership of the Global Compact on Refugees process to pursue and develop greater and much-needed solutions, not only solutions for those forcibly displaced, but to address the causes of displacement at their root. The need for refugees, host communities, humanitarian and development actors **working together to find durable solutions and complementary pathways** has never been greater.