

NGO statement on International Protection including Solutions

Dear Chair,

This statement was prepared in consultation with a wide range of NGOs and reflects their diverse views.

As we commemorate the anniversary of the Refugee Convention and in the current complex global environment, the protection of forcibly displaced people must not be put aside.

Nevertheless, recent years have seen a shrinking of protection by State duty bearers and an increase in outsourcing protection obligations to lower-income countries. What is being described as 'externalization' is in fact resulting in *refoulement*. In some countries, efforts to accelerate border procedures and asylum processing have come at the expense of human rights, with fewer due process guarantees. This can result in unfounded rejections and thus in *refoulement*.

Externalization of protection obligations is largely based on discriminatory legislation and practices by which higher-income destination countries effectively renege on solidarity and commitments made through the Refugee Convention. Externalization has proven irresponsible and ineffective: it has failed to protect lives, curtail migration, and it undermines relations with third countries. It also results in the double-edged trend of criminalizing NGOs' humanitarian efforts, while leaving it to them to fill gaps in services. We call on States such as Denmark, the UK and Australia to rethink their recent initiatives and on others to refrain from taking similar measures. NGOs welcome UNHCR's position statements and applaud the recent Note on "Externalization" of International Protection.

The **centrality of protection** remains fundamental despite trends in the humanitarian sector that undermine it in practice, such as siloed approaches. Protection services should be mainstreamed into the design, implementation, monitoring and evaluation of humanitarian responses, which should make use of responsive information services to uphold the 'do no harm' imperative. Moreover, specialized, sector-specific activities such as legal aid provision and case management should be built.

For instance, Yemen is a country suffering from armed conflict, public disorder, natural and man-made disasters, lack of Government capacity, neglect from international donors, and continuously increasing internal displacement. Priorities remain to provide suitable and safe shelters, livelihoods, and basic materials to displaced people to minimize their suffering and protect their dignity. Due to the risks IDPs and refugees face, addressing protection needs, including basic healthcare services and psychological support, should be strengthened. Despite specificities, protection challenges in Yemen are also witnessed in other regions, leading us to offer the following recommendations:

- Strengthen societal resilience of displaced and host communities.
- Expand and support protection and camp management projects achieving continuity and efficiency.
- Reduce violence and burden faced by local organizations, realizing the powerful role they play and acting upon their recommendations, thus building respect and trust.

The impacts of the climate crisis, protracted conflict, human rights violations, the pandemic, inequity, and inequality result in record forced displacement figures. In many cases, individuals need protection even though they do not match the narrow refugee definition established in the Convention.

This is a moment to reflect on what it means for States to provide protection and how they can effectively fulfil their moral and legal responsibility in the current context. That means developing approaches that are more inclusive and more sensitive to global pressures forcing people to leave home.

In this perspective, NGOs welcome UNHCR's Strategic Framework on Climate Action and the recent legal considerations paper. While not seeking changes in international law, those tools make explicit use of the Refugee Convention, regional refugee definitions, and human rights law to make the case for expansive protection for those displaced by climate change and disaster. NGOs are ready to work with UNHCR and others to support the development of regional plans for implementation, help advance relevant case law and follow through with the UNHCR's intent to "become a proactive protection agency", mitigating future protection needs.

New approaches must also mean making concerted efforts to better protect women and marginalized people of all ages fleeing personal discrimination and violence, including LGBTIQ+ people.

To facilitate and improve access to protection, host countries should include forcibly displaced and stateless people in their national systems. We agree with the High-Commissioner that inclusion can be "one of the most practical and concrete forms of protection". There is, however, noting preordained and inclusion needs to build on vigilant advocacy, programming, and monitoring. This also means that national systems need to be supported to mainstream constructive inclusion principles and tools. Of immediate concern is the need to ensure all people have access to COVID-19 testing, treatment, and vaccination.

Furthermore, to achieve those objectives, all humanitarian stakeholders must commit to strengthening partnerships with NGOs that are led by, represent, and work with persons of concern and marginalized groups. Too often, the humanitarian sector focuses on whoever is easiest to reach and work with, which only further entrenches inequality and power differentials.

Humanitarian actors must also consistently assess their programs to ensure individuals most at risk of harm and exclusion are being properly identified and included in the response. Programs should particularly invest into developing communication tools and strategies to reach those who face obstacles. This remains under-prioritized in humanitarian response: 'responsive information services' should become part of every Humanitarian Needs Overview and Response Plan.

Indeed, humanitarian responses too often treat information services as unidirectional and as an afterthought to program design, when in fact, quality, trustworthy, action-oriented information is a critical, lifesaving, and life-sustaining humanitarian intervention in its own right. Two problems particularly persist: 1) lack of funding, as donors have not yet elevated 'information' to its rightful place in the aid infrastructure; 2) lack of coordination among aid agencies, which results in mixed messages, static and distrust among affected populations.

Finally, we commend ExCom members for electing to work this year on a Conclusion on international protection and durable solutions in public health emergencies. NGOs look forward to the ExCom Rapporteur's update and will remain attentive to the protection language used in the final text.

Further details are available at icvnetwork.org

Thank you.