

EXECUTIVE COMMITTEE OF THE
HIGH COMMISSIONER'S PROGRAMME
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**NGO Protection Statement – Extended Version
Agenda Item 5(a)**

Mister Chair, Ladies and Gentlemen,

This statement is delivered on behalf of a wide range of non-governmental organizations. It has been drafted in consultation with, and aims to reflect the diversity of views of, the NGO community.

General Reflections

Mister Chair, at UNHCR's June Standing Committee meeting Mr. Volker Türk underscored how, at a time of unprecedented displacement, "maintaining protection at the centre of all our activities is an imperative for us." We agree with this statement.

- We believe it applies to the work of this Executive Committee, and have therefore been disappointed by the lack of an agreement on an Executive Committee 2014 Conclusion (though we appreciate the effort of the ExCom Rapporteur to achieve a consensus).
- We believe it applies to UNHCR leadership, and have therefore been surprised that the post of Assistant High Commissioner for Protection has remained vacant for over a year (though we would like to express our appreciation for the excellent work that Mr. Volker Türk has done in the interim).
- We believe it applies to humanitarian action, and we applaud the efforts done to align response coordination in mixed situations and acknowledge the big step forward in this regard. We support UNHCR and hope this effort results in better delivery on the front lines. Isn't it time, then, to end the turf battles over coordination mechanism in several important humanitarian operations?

We remind States that above all, national governments need to step up when it comes to fulfilling their protection role in preventing and addressing violence in general and targeting minorities in particular. UNHCR is well positioned to sense when situations could escalate into violence, and could better support early warning systems.

Before embarking on our country specific comments we would like to start by reiterating our previous calls on all member states to renew their commitment to funding the fight against the Ebola epidemic, and urge UNHCR to contribute to positive community messaging in the affected countries and to take simple, concrete steps such as making chlorine and soap available in refugee camps.

Given limited time, Mister Chair, we would like to focus now on four particularly troubling situations related to Syria, Kenya, Central America and Australia, and conclude with remarks relating to the launch of UNHCR's ten-year campaign to eradicate statelessness.

The Syria Situation

For the fourth year in a row we commend the tremendous efforts of the neighbouring countries hosting Syrian refugees. For the rest of the global community, it is proving not enough for states and others outside of the immediate area to open their generous wallets and say "thank you" to Syria's neighbours for continuing to keep their hearts, borders and citizens' infrastructures open.

We are making again an urgent call for a global Comprehensive Plan of Action ("CPA") that builds on UNHCR's recommendation for international responsibility-sharing of the refugee crisis from Syria. We need to see more countries significantly expanding routes for refugees from Syria into their territory. More specifically:

- We need to have temporary protection programs to absorb refugees fleeing Syria;
- We need to see expanded resettlement programs prioritizing the most vulnerable, including the adoption of protected entry procedures for particularly vulnerable refugees at European countries' diplomatic missions; and
- We need States to expand their emergency programs, such as humanitarian, family unity and special visas already in existence, to prioritize assistance to displaced persons from Syria.

While fully recognizing funding support given to the Syrian humanitarian crisis to date, Europe only hosts 3% of the 3,000,000 registered refugees from Syria. We commend Sweden and Germany for accepting the greatest part by far. More specifically we commend Germany for its expansion of humanitarian admission for Syrian refugees. We note the initial efforts of the United Kingdom and its Vulnerable Person Scheme (VPS), and we urge the UK government to build towards an even more expansive response comparable to Germany's aforementioned initiative.

We are dismayed by reports of unlawful detention, abuse, and lack of adequate food, shelter, and medical care for refugees in some European countries. We are deeply concerned by the fencing and increased surveillance of the Greek-Turkish border and proposed fencing of the Bulgarian-Turkish border. Such actions will continue to push more refugees into dangerous sea journeys. Already we see the sharp increase in refugees from Syria and other conflicts throughout the region packing the "coffin boats." The High Commissioner's High Level Dialogue, this December, on Protection at Sea is urgently needed.

Finally on Syria, we urge European states that currently do not comply with international or regional standards for treatment of persons in need of international protection to take immediate steps to achieve compliance, and for all European and other states and institutions to offer all necessary support in this regard.

Kenya

Kenya is the second-largest refugee-hosting country in Africa sharing the burden of a continent. A new influx of refugees from South Sudan is anticipated over the coming months. The main destination would be Kakuma camp, a camp that is already taking more than double the number of refugees for which it was designed. We urge the Government of Kenya to accelerate and conclude ongoing negotiations that would provide more land for refugees near Kakuma. Given that refugees' ability to work in Kenya remains restricted, donor support for livelihood training and skills-building courses is vital. The proposed new camp at Kakuma offers an opportunity for a different approach to refugee protection and assistance that avoids creating the culture of dependency which persists in the older camps.

The year 2014 witnessed a dramatic curtailment by the Government of Kenya of refugees' freedom of movement. The forcible relocation of several thousand urban refugees from Nairobi to Dadaab, Kakuma and, in certain cases, Somalia, saw parents separated from their children and detainees held in appalling conditions. The near-simultaneous launch of the Usalama Watch security operation further resulted in widespread abuse and harassment of refugees. We support UNHCR's 2009 policy on refugee protection and solutions in urban areas. We call upon UNHCR to:

- Publicly stand and reaffirm its commitment to its 2009 aforementioned policy;
- Continue exploring with the government of Kenya ways to put into practice a legal right of refugees to work in Kenya; and,
- Deploy additional international protection and community services staff to its Kenya office to cope with the protection needs and expected influxes.

Finally, we welcome the renewed commitment made in August in Addis Ababa by the governments of six countries, including Kenya, with UNHCR and other parties, to actively explore and secure durable solutions for the hundreds of thousands of Somali refugees still in exile. We look forward to seeing the Addis Ababa communiqué translated into action, and call for all refugee returns to Somalia to be voluntary, dignified and in full conformity with international law.

Central America

NGOs are concerned with the dramatic increase in unaccompanied children and families from Central America who are being forcibly displaced, internally and across international borders. We are alarmed at the dramatic increase in the practice of the detention and *refoulement* of children seeking safety in the United States and Mexico. Tens of thousands of children from Honduras, El Salvador and Guatemala asked for protection at the U.S. border during the first half of 2014. Other countries in the region have also seen a rise in arrivals of children from these countries. Thousands of children requesting asylum have been detained indefinitely in immigration custody in the U.S. and Mexico, and the United States has implemented a plan to dramatically expand the use of family detention within a one-year period. Between 60 and 98% of those currently in family detention have expressed a fear of return to their country of origin and are not released even after screening.

An ever-increasing number of women and children are fleeing – with caregivers or alone – to escape targeted violence against them. Girls and boys are increasingly the deliberate targets of forced recruitment, gender-based violence and other horrific abuses perpetrated by gangs and other non-state actors which, in many instances, may constitute persecution meeting the inclusion criteria of the 1951 Refugee Convention. UNHCR’s “Children on the Run” report released in early 2014 demonstrated that upwards of 58% of these children are likely to have international protection needs.

We call on:

- the international community to recognize the mixed nature of this migration movement and take decisive action under the framework of UNHCR’s *10 Point Plan of Action for Refugee Protection and Mixed Migration* to respond to a growing child protection crisis.
- all donors to support the countries of origin in their efforts to address the root causes of violence and build national protection systems.
- transit and destination countries to scrupulously observe asylum safeguards so children fleeing violence and persecution are identified, protected from *refoulement*, provided meaningful access to asylum and protection, and given physical care, psycho-social support, BIDs (Best Interest Determinations) and, when appropriate, assisted with family reunification.

Australia

We remain deeply disturbed by the continuing deterioration of protection standards for asylum seekers in Australia.

Thousands of asylum seekers, including children, remain in arbitrary, indefinite detention in Australia and in offshore detention centres under conditions that constitute cruel,

inhumane and degrading treatment. The deaths of two asylum seekers held at the Manus Island detention centre this year – one beaten to death, one succumbing to a treatable illness – have unequivocally demonstrated the risks of sending asylum seekers to countries which are not equipped to provide protection and support to people fleeing persecution.

Despite this, Australia is planning to resettle refugees in Cambodia, a country that faces major challenges in protecting the rights of its own citizens and has very little capacity to provide protection and support to refugees. We strongly support the High Commissioner's statement condemning this agreement as responsibility shifting and not responsibility sharing. As noted by the High Commissioner, speaking of the Australia-Cambodia agreement: "Refugees are persons who are fleeing persecution or the life-threatening effects of armed conflict. They are entitled to better treatment than being shipped from one country to the next."

We are alarmed by the increasingly extreme measures used by Australia to block access to protection, including screening asylum seekers at sea, turning back boats to Indonesia, and forcibly returning asylum seekers to Sri Lanka. Deterrence will never solve the complex protection challenges that compel asylum seekers to risk their lives at sea. We urge Australia to abandon its current policies and begin to work more constructively with its neighbours to lift standards of protection and provide durable solutions for refugees in Asia.

Statelessness

To conclude on a note of hope, we would like to express strong NGO support for UNHCR's campaign to eradicate statelessness worldwide. Last month saw the first ever Global Forum on Statelessness in The Hague. Next month UNHCR will launch a ten-year campaign for the eradication of statelessness globally which can serve as a strong platform for a redoubling of efforts by all stakeholders. NGOs call on states to get behind 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 ensure that the spread of statelessness is halted. Every effort must be made to ensure that no child has to face life without a nationality. One simple step towards achieving this is to end gender discrimination in nationality laws, and all actors are urged to support the recently launched international campaign with this objective.

Equally, all states should assume greater responsibility to address statelessness, through their external relations policies, including by speaking out strongly against new causes of statelessness such as the recent mass denationalisation of citizens of Haitian descent in the Dominican Republic.

States are reminded that the individual insecurity experienced by stateless persons becomes a communal, national or even international issue when it escalates into collective insecurity of a large stateless group. There is a well-established link between statelessness and mass displacement, further reinforcing the fact that statelessness is not only a pervasive issue but one that demands international attention.

States also have an obligation to protect stateless migrants on their territory under the 1954 Statelessness Convention which this year celebrates its 60th anniversary. Foremost among state obligations is the necessity of establishing dedicated determination procedures in order to identify and protect stateless persons—the absence of such a regularisation route leaves stateless migrants at risk of a range of human rights abuses, including destitution and long-term immigration detention.

Two seeds of hope have recently come to light in two different regions - namely Brazil and the Netherlands, which have committed to join the small band of states with a statelessness determination procedure in place. Many more such seeds need to be planted if UNHCR's ambition to end statelessness within a decade is to be realised.

Thank you, Mister Chair.