

# Protection Capacity Co-Sponsorship Group

30 July 2019

Not a theme on protection, but protection capacity — about strengthening systems

## Vision

Strong institutions and capacities that can enable and enhance refugee protection and the well-being of host communities with the support from a range of actors.

**5 areas that need to be strengthened** [NB: some of these are worded slightly differently than at the last meeting]

- 1) **Enhanced emergency preparedness and response:** is enhanced, including early warning, contingency planning, effective risk analysis and mitigation actions, admission and reception
  - Strong government-led response
  - Protection sensitive collectively emergency response
  - Appropriate number of trained protection people on the ground as soon as possible
  - Emergencies and protracted situations
- 2) **Legal and Policy Frameworks:** Refugee rights are promoted and incorporated in relevant legislations and policy directives (eg. (e.g. labour, social protection, freedom of movement); the 1951 Convention/1967 Protocol, as well as the 1954 and/or 1961 Convention on statelessness are ratified/acceded, reservations are removed and national legislations are in place
  - Signature, ratification
  - Statelessness more through the high-level event at ExCom – not to go look for pledges within the context of the GRF, but get them at the high-level event and folded into the GRF, because they need a home
  - Adopt or amend legislation
  - Include refugees in laws, such as promoting gender equality
  - Legislation related to law, etc.
- 3) **Strong protection institutions:** Provide access for refugees to quality civil registration and documentation, social welfare, specialised protection services, justice, safety and security with a focus on at risk refugees, including [gender and child-sensitive language and persons with disabilities, etc.)
  - Access to civil documentation, including birth registration
  - Inclusion of refugee children in national protection systems
  - Prevention of SGBV and response services
  - Access to legal aid, services
  - Inclusion of LGBTI refugees
  - Support to people with disabilities
  - Tried to reframe this more from a government capacity perspective and strengthening the ways in government deals with various protection sectors
- 4) **Better Asylum Capacity:** Support the Asylum Capacity Support Group to ensure national asylum/RSD systems are put in place and operate with fairness, efficiency, adaptability and integrity (para 62 of GCR)
  - Ensure national asylum systems are in place
  - Accelerated or group-based procedures
  - Legal aid services to enable access to procedures

- Quality – setting up quality assurance initiatives
- 5) **Participation and inclusion:** Refugees and host communities participate in all levels of planning and response and refugee-led initiatives are encouraged and supported. All refugees enjoy their rights on an equal basis, are effectively included in all aspects of the refugee response without discrimination on the basis of age, gender, disability or other individual characteristics
- Disaggregated data
  - Strengthening capacity for inclusive approaches
  - Accountability piece – feedback and complaints mechanisms that incorporate what they are hearing about quality of delivery, etc.

## Next Steps

### August

- Agree on workplan for Protection Capacity theme
- Co-sponsors start to mobilise pledges
- Protection capacity pledges outcomes and examples document finalised

### September

- Protection capacity meeting to update on pledges
- Agree on side events and outline of high-level protection capacity panel

### October

- Protection capacity meeting to update on pledges
- Key good practices are documented

### November

- Protection capacity side events and high-level panel finalised
- Pledges finalised

### Sharzard

- Tip sheets that are invaluable, but should have the same pledges for protection capacity and not be protection-focused pledges
- Guidance on disabilities led by Finland
- GYAC working on guidance
- AGD tip sheet
- Gender guidance
- Children and child rights

## Example Pledges

### NB:

- The original language (as seen in some cases below) was around States committing – during the discussion, it was agreed to modify to make them more about support to States by all concerned actors. Some of the language has been changed below, but others will be changed later.
- The ‘menu of options’ are broad areas under which individual pledges can be made to contribute to the broader area

## Enhanced emergency preparedness and response

- **Strong government-led response:** Government-led emergency preparedness is supported with financial, material or technical assistance
- **Protection-sensitive emergency response:** States commit to include gender-sensitive risk mitigation and response actions for SGBV, child protection and other groups at specific risk in

crisis preparedness and response plans. Other stakeholders commit to support these initiatives through the provision of financial or technical resources.

- **Robust protection capacity in emergencies:** Key actors commit to timely and sustained deployment of protection teams in sufficient numbers and with skill sets appropriate to the character and scale of a given emergency.

### Legal and Policy Frameworks

- **Ratification of refugee instruments:** All actors commit to provide support to States' efforts to sign and ratify the 1951 Convention and/or 1967 Protocol in relation to refugees, as well as regional refugee law instruments as applicable, and put in place national implementing legislation and other measures.
- **Lifting of reservations:** All actors commit to support States' efforts to lift reservations on the 1951 Convention/1967 Protocol and take necessary measures to give effect to the resulting provisions.
- **Identity documentation:** All actors commit to support States' efforts to adopt, amend and/or ensure implementation in practice of laws providing for the issuance of identify documentation to refugees and their families
- **Promoting gender equality:** All actors commit to support States' efforts to revise national policies and legislation to include the promotion of gender equality in line with international human rights standards

### Strong National Institutions

- **Access to civil documentation:** States commit to strengthening access of refugees to civil registration and documentation including birth, marriage and death registration documentation with the technical and financial support of other actors. Include individual registration and documentation.
- **Protecting refugee children:** States and other actors commit to strengthening the inclusion of refugee children in national child protection systems, including building the capacity of social welfare and justice sectors on refugee child protection and best interests practitioners, developing the social sector workforce and supporting community-based child protection services with the technical and financial support of other actors.
- **[NB: SGBV 2 pledges to be merged]**
  - **Effective prevention of SGBV:** States and other actors commit to scaling up quality SGBV prevention activities. Other stakeholders commit to support through the provision of financial or technical resources.
  - **Robust SGBV services:** States and other actors commit to scaling up quality SGBV prevention activities. Other stakeholders commit to support through the provision of financial and technical resources.
- **Access to justice:** States commit to strengthening the capacity of justice and police services, where appropriate, to ensure non-discriminatory access to legal assistance and justice for all refugees and host communities. Other actors commit to support these initiatives through the provision of financial or technical resources.
- **Non-discriminatory approach to LGBTI refugees:** States commit to ensuring that their staff receive appropriate training to ensure that refugees with diverse sexual orientation and gender identities do not face discrimination when interacting with State entities. Other actors commit to support these initiatives through the provision of financial or technical resources.
- **Support to organisations of persons with disabilities:** Contributions are provided of technical expertise and financial resources to organisations of persons with disabilities to build their capacity to engage in refugee response.

### Better Asylum Capacity – Flip around support to...

- **Differentiated modalities:** States commit to the development and implementation of simplified, accelerated case processing and group-based procedures in appropriate circumstances to enable effective responses to different types of asylum-seeking populations. Other States and stakeholders pledge to offer technical support (e.g. drafting of tools, technologic resources, equipment, secondments of experts) for the development and implementation of such procedures.
- **Quality Assurance Initiatives:** States commit to the development and implementation of quality asylum systems to enable improved and consistent application of legal frameworks including to ensure that claims based on gender-based persecution are recognised. Other States second experts to support the development of QAI frameworks.
- **Legal Aid Services:** States commit to the development and implementation of improved legal aid services to enable applicants' access to information and participation in the process. NGOs and academic institutions support through the development of education training packages as well as of a coaching/mentoring programmes for legal aid lawyers.
- **Dedicated Adjudication Capacity:** States commit to creating dedicated expert government position to ensure fair and fast adjudication of asylum claims. To that effect, States and other stakeholders pledge to develop coaching/mentoring programmes for government staff.
- **Asylum capacity assessment:** States commit to undertake comprehensive and structured needs assessments of institutional capacities of specific aspects of the national asylum/RSD systems to enable the development and implementation of evidence-based work plans and requests to the Asylum Capacity Support Group. States and other stakeholders offer technical and other support in the preparation and conduct of the assessment as well as in the implementation of the action plan.
- **Add another on..**capacity to deal with identifying persons with specific needs, vulnerabilities,, and risks among the population and deal with specific =types of persecution (age, gender, etc)...and support asylum infrastructure....and something around need for accessible information

### Participation and Inclusion

Refugees and host communities participate in all levels of planning and response, and refugee-led initiatives are encouraged and supported. All refugees enjoy their rights on an equal basis, are effectively included in all aspects of the refugee response without discrimination in the basis of age, gender, disability, or other individual characteristics.

- **Ensuring refugee participation and inclusion:** States commit to taking specific actions to ensure that alongside host community members, refugees, including youth, women, persons with disabilities, and other groups at risk of marginalization, participate as key stakeholders in the development and implementation of emergency response, peace-building, and development initiatives.
- **Using disaggregated data in planning and implementation:** States commit to collecting and using age, gender, disability, and other disaggregated data to strengthen planning, delivery, and monitoring of emergency response and national development plans.
- **Using data disaggregating by disability:** Actors in refugee response commit to disaggregating data by disability for the purpose of strengthening planning, delivery, and monitoring of the response. Other actors commit to support these initiatives through the provision of financial or technical resources.
- **Strengthening capacity for inclusive approaches:** State and other actors commit to providing contributions of technical expertise to inclusive refugee response (e.g. stand-by arrangements and secondment to government agencies responsible for refugee response and UN/civil society partners, exchange programmes between national/local government and cities).

- **Strengthening accountability to affected people:** State and other actors commit to systematically implement mechanisms for accountability to refugee and host [incomplete in PPT]

### Action Points

- UNHCR will make changes to finalised list of pledges as discussed [NB: not always reflected in the above notes] and distribute to the broader group (3<sup>rd</sup> week of August of final outcomes and final example pledges)
- UNHCR will send out a list of interested co-sponsors to the group attending today's meeting to see who could be approached.
- UNHCR will send out a list of regional groups that would be good to get pledges from
- All in attendance to indicate which stakeholders to be approached to become co-sponsors and/or pledges
- **Remind colleagues in other groups to work pledges into the legal frameworks because they are excluded from protection (e.g. right to employment, education, freedom of movement, etc.)**

### Tentative Date of Next Meeting: 9 September 2019 in the afternoon

- To discuss high-level protection capacity panel and side events and reflect on the good practices (criteria, for example)