

NGO statement on the oral update on the Executive Committee Conclusion

Dear Chair, Ladies, and Gentlemen,

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

A Renewed ExCom Conclusions Process

NGOs welcome the Executive Committee's renewed efforts to develop Executive Committee (ExCom) Conclusions and the topics selected for its programme of work. We appreciated the opportunity to share our analysis with the ExCom Rapporteur and UNHCR on the main aspects of the Conclusion on International Protection and Durable Solutions in the Context of a Public Health Emergency earlier this year. We reiterate NGOs' strong support to the process and welcome further ways to engage to bring our expertise and experience to a robust Conclusion.

ExCom Conclusions play a critical role in furthering the international protection regime. However, in order to successfully fill identified gaps in international protection, ExCom members must ensure that international protection remains at the heart of their negotiations over any other goals or interests, including individual State interests.

The Focus of this Year's ExCom Conclusion

The focus of this year's ExCom Conclusion is extremely timely in the midst of the global COVID-19 pandemic. NGOs welcome its forward-looking approach for other possible public health emergencies. In upholding international human rights law, international humanitarian law, refugee law, and the principle of *non-refoulement*, NGOs wish to re-emphasise that any necessary limits to entry to a territory during a public health emergency must be temporary, non-discriminatory, and not impinge on the right to seek and enjoy asylum. Any such limits must only be put in place when there are unavoidable public health concerns.

The challenges faced by States to ensure the health and well-being of all those on their territories have been immense. While the virus does not discriminate, unfortunately, States' responses to COVID-19 have not always treated everyone equally on their territories. The responses to COVID-19 pandemic have, in too many cases, exacerbated many existing inequalities, particularly for diverse ages and genders of refugees, internally displaced persons, stateless persons, and other persons of concern to UNHCR.

The COVID-19 pandemic restrictions have disproportionately impacted women and girls, for example, with increases in gender-based violence. The ExCom Conclusion must, therefore, ensure that any responses to public health emergencies do not discriminate against persons of different ages, genders, or other diversities, including disabilities. The Conclusion must also include equal access to health care, including sexual and reproductive health and rights, and vaccinations for *all* individuals on a State's territory.

We call for the final ExCom Conclusion to recognise the increased risks of gender-based violence and the reduced access to education, in particular for forcibly displaced children, which have been seen during the COVID-19 pandemic. Girls have been seen to be at particular risk of gender-based violence, including female genital mutilation in some countries, and are at greater risk of dropping out of school than boys. The Conclusion should also include the need to address mental health and psychosocial support and facilitate self-reliance in the context of public health emergencies. The Conclusion should find ways to mitigate these impacts now and for the future.

UNHCR's COVID-19 Platform on temporary measures and impact on protection¹ shows very concerning data and trends worldwide. There are forty-three States where access to territory continues to be denied and seventy countries where access to territory data is pending. While health measures must be respected during any public health emergency, these measures must *not* be used to deny access to territory or asylum procedures. Thirty-seven States have respected international legal standards and allowed access to territory for asylum-seekers, despite health measures to stop the spread of the pandemic. Free access to territory and asylum procedures must be guaranteed even during a public health emergency and should be included in the Conclusion.

Additionally, the emphasis on responsibility-sharing among States in the Conclusion is key. Responsibility-sharing implies the centrality of protection at the core of each decision and action taken. Examples of sharing responsibility include the use of resettlement and complementary pathways, funding, partnerships with various stakeholders, and regional mechanisms and arrangements. More responsibility-sharing is imperative such for instance for the Islamic Republic of Afghanistan.

Along with responsibility-sharing, we call for the key and complementary roles that NGOs and refugee-led organisations have played in responding to public health emergencies to be emphasised in the Conclusion. Our role has been particularly important in responding to humanitarian emergencies and the pandemic simultaneously, with shrinking resources. Responding to a humanitarian crisis is challenging at the best of times. Effectively responding during a public health emergency is further complicated, particularly when access to health care is not always equitable; health care workers are targeted and even killed while working; and access to vaccines, unfortunately, remains disproportionate globally.

NGOs play a critical role in mass vaccination campaigns in humanitarian responses – especially in urban, marginalised, and remote areas. NGOs are effective partners and allies for vaccination campaigns in public health emergencies. Any funding for vaccination plans in public health emergencies should not reduce the funding available for humanitarian responses and we call for this critical point to be reflected in the Conclusion.

It is essential that vaccination status is not used as a measure to prevent refugees and stateless persons from moving between countries, particularly when seeking asylum. The Conclusion should reflect the point that vaccination status should not prevent access to asylum, particularly when accessing vaccines is not always possible.

Likewise, durable solutions for refugees, internally displaced persons, and stateless persons must not be put on hold during a public health emergency. The Conclusion should call upon States to

¹ See UNHCR's COVID-19 Platform on temporary measures and impact on protection (last update 7 September 2021): https://im.unhcr.org/covid19_platform/

uphold their commitments to durable solutions, including those made during the first Global Refugee Forum, even during a public health emergency.

Inclusion

The inclusion of refugees, internally displaced persons, and stateless persons in national response plans is critical, as is their inclusion in terms of access to health care, including sexual and reproductive healthcare and rights, as well as in national vaccination plans. They must also be included in the workforce to respond to public health emergencies, as they bring critical skills. Public health emergencies do not only have health consequences, but they can have long-term social and economic consequences. Inclusion in economic recovery plans, livelihoods, and education services are crucial and have the potential to help respond effectively to a public health emergency, reduce dependency, and help ensure access to fundamental rights.

Finally, we reiterate our commitment as NGOs to contribute our expertise and experience to the Conclusions process and look forward to the final version including the points we have raised. Given the critical nature of this year’s Conclusion – in the midst of the COVID-19 pandemic – it can have a positive impact on the way in which States respond to those persons of concern to UNHCR in this public health emergency. We look forward to the Conclusion helping to pave the path for next year’s Conclusion on mental health and psychosocial support, an area where NGOs also stand ready to share their expertise.

Thank you, Chair.