

NGO Statement on The Middle East and North Africa

Dear Chair,

This statement is delivered on behalf of a variety of international and national NGOs working with communities across Middle East and North Africa.

In **Yemen**, civilians are once again caught in the crossfire of hostilities. Escalating conflict at the start of 2022 followed trends from the end of 2021, where the last three months recorded a 60 per cent increase in civilian casualties compared to the previous quarter. Rapidly shifting frontlines – including Hodeida Governorate, increased coalition airstrikes in northern Yemen, and renewed conflict in Marib and Shabwa – have led to further loss of life and widespread displacement. Civilians are bearing the brunt: UNDP estimates that by the end of 2021 377,000 lost their lives during the conflict, while UNICEF calculates 400,000 children are at risk of severe malnourishment. Yemen being a country that relies on imports, the worsening economic situation is additionally leading to increases in negative coping mechanisms.

Violence and needs continue to increase while the mandate of the only independent mechanism to document and investigate IHL violations in Yemen -the Group of Eminent Experts- was not renewed by the Human Rights Council.

Much less talked about are the numbers of migrants from East Africa in Yemen. Crossing one of the world's busiest and arguably most deadly migration routes, migrants, refugees, and stateless persons face numerous threats to life, kidnap, violence, and arbitrary detention. Women in particular face significant risks.

NGOs urge stakeholders to:

- Prioritise peace in Yemen through the engagement of all conflict parties, with the meaningful participation of civil society, including women and young people.
- Establish a new international independent accountability mechanism to document violations in Yemen and hold parties accountable, increasing accountability for violations of International Humanitarian Law and International Human Rights Law.
- Ensure funding is available to meet lifesaving needs, but also to respond to the root causes of vulnerability and build resilience in communities.
- Advocate for migrant communities in Yemen to have freedom of movement, access to services, and the ability to exercise their rights, and support UN agencies and NGOs working with these communities to gain access, including through increased funding for the refugee, stateless, and migrant response.

The situation in **Syria** has worsened throughout 2021. Active conflict remains a threat to civilians (with civilian casualties still occurring at pace in northwest Syria), civilian infrastructure, and delivery of the aid response in parts of the country; while the ongoing economic crisis has worsened living conditions and access to services for millions. In northeast Syria, there are reports of people seeking to move to

displacement camps simply to access humanitarian assistance. In the northwest, millions of internally displaced families - 80 percent of whom are women and children - have spent another winter in inadequate shelters exposed to severe, and sometimes fatal, weather conditions. Climate change, drought, and a lack of effective transboundary water governance has harmed food production and could cause more displacement. In line with good donorship principles, we urge stakeholders to ensure that principled early recovery assistance provides people across Syria with equitable access to public services.

NGOs welcome the efforts to increase crossline assistance, but it remains evident that it is unable to deliver the scale of assistance required, therefore renewal of the Security Council mandated cross-border mechanism is paramount in ensuring an effective aid response. While NGOs operating from Damascus have seen access improve, including for independent needs assessments, many sectors are still constrained, and protection space continues to be limited. NGOs urge stakeholders to:

- Come together to agree and fund approaches to delivering principled early recovery programmes across Syria.
- Continue to work to increase protection space, including increasing access to legal assistance and supporting people accessing housing, land, and property rights.
- Work to ensure renewal of UN Security Council Resolution 2585 in July, ensuring all aid modalities are available to meet humanitarian needs at scale across Syria, through the reauthorisation of a cross-border aid delivery mechanism to parts of the country that cannot be reached at scale through crossline assistance.

Amnesty International's report in 2021 shed bright light on the protection challenges facing **Syrian refugees** who choose to return. Arbitrary arrest and detention are a legitimate fear for many; children remain vulnerable to sexual and gender-based violence and other protection risks. The country remains unsafe for organised return. Member States must ensure their asylum policies do not forcibly return people to Syria and UNHCR must ensure it is able to effectively monitor the protection space in Syria before any potential changes in policy. Given the numerous refugee intentions surveys that show return is not a preferred option in the near-term, stakeholders must work to increase protection space in hosting countries, deliver programmes that support refugee self-reliance, and ensure pathways to all three durable solutions are supported, including increasing resettlement places for those that would most benefit from them, for example the elderly and those with chronic illnesses.

The multiple crises in **Lebanon** have resulted in increased tensions between and amongst refugee and host communities. The now numerous aid coordination mechanisms have resulted in inconsistent approaches to vulnerability assessments and targeting strategies. As Lebanon's political elite lurch from one disagreement to the next, the delivery of essential public services continues to worsen. Thousands of Lebanese families continue to flee the country and remittances from abroad are often the only income supporting families to survive.

Protection for most Syrian refugees in Lebanon remains out of reach, with fewer than 20 per cent of Syrian refugees holding any form of legal stay documentation. This lack of legal residency restricts safe movement, accessing health and education services, and increases risk and rates of statelessness for children born in Lebanon. The worsening situation has seen a rise in critical protection concerns including child labour and eviction threats, while the worst snow storms in years saw informal settlements collapsing under the sheer weight of snow while refugees are unable to heat their accommodation due to rising prices. NGOs urge stakeholders to:

- Develop a Whole of Lebanon approach that effectively links humanitarian and development programmes. This will serve to bring the overall landscape of humanitarian needs into perspective and to support the humanitarian community to prioritize and pursue humanitarian action. Such a step could also be used to understand better where response architectures can be simplified, increasing accountability to affected populations; and to ensure effective targeting and vulnerability assessments.
- Engage the Government of Lebanon to ensure an equitable approach to social protection schemes and that the Lebanon response has a Cash Working Group that can support social protection schemes and take a harmonized approach to people in need.
- Advocate for the re-starting of UNHCR registration for refugees and stateless persons. Access to civil documentation should also include programmes to reduce the risk of statelessness of children born in Lebanon with a Syrian parent; including promoting citizens' equal rights to confer nationality without discrimination, in line with international law and the Arab Declaration on Belonging and Identity, endorsed by the Arab League Secretariat.

Turkey is the country hosting the largest number of refugees worldwide, including an increasing number of stateless persons or those at risk of statelessness. For many refugees the situation is challenging. Inflation has soared whilst the Turkish lira has depreciated significantly, resulting in over a quarter of the population being unable to meet their basic needs. Refugees have been pushed into extreme poverty. Meanwhile, violent attacks on refugees have increased in the past six months, highlighting increasing social tensions between host communities and refugees. Given the complexities of hosting protracted refugees and new arrivals, funding should continue to target short-term humanitarian needs, while also supporting institutions to address systematic protection challenges and improving social cohesion. Moreover, stakeholders should continue to work with national and local authorities and civil society to sustain and strengthen the legal framework, uphold refugee rights and access to legal documentation, provide safeguards against *refoulement*, and ensure access to economic and higher education opportunities; while additionally continuing to provide pathways to resettlement.

In **Iraq**, while large-scale military interventions have ended, thousands of families remain displaced. Many have been displaced on multiple occasions, including following the government's closure of most IDP camps in 2020 which forced more than 13,000 households into informal settlements where they have significant challenges meeting their basic needs related to inadequate shelter, substandard WASH facilities, and limited access to education and health services. In addition, these displaced persons have varied challenges in achieving a durable solution, including personal safety and security concerns, discrimination in communities, damaged property, and a lack of access to livelihoods. Many face challenges accessing documentation, including birth, death, and marriage certificates, placing them at additional risks. Social tensions and displacement remain from multiple conflicts over the past 30 years.

While data collected by IOM classifies someone as a returnee if they have returned to their area of origin, many continue to face challenges in re-integration - for example, living with family or friends, or even pitching tents outside damaged homes.

The country is also host to 250,000 Syrian refugees, all of whom also require access to durable solutions. While the vast majority are hosted in the Kurdistan Region of Iraq, there are links to the application of Federal Iraqi policy that challenges access to durable solutions in the medium-term. NGOs urge stakeholders to:

- Work with the Government of Iraq to ensure policies and practices support pathways to all three durable solutions and are based on the intentions of IDPs themselves. This will include support to

inclusive local peacebuilding and transitional justice programmes, ensuring representation of women and minorities.

- Ensure that labelling people as “returnees” does not imply that those who have moved back to an area of origin have overcome their displacement-related needs as significant humanitarian, development and stabilization interventions remain necessary to support the achievement of durable solutions.
- Address the increasing humanitarian needs resulting from climate-related disasters in a cohesive, joined-up approach targeting root causes, putting in place adequate climate-related policies, and supporting future-proof livelihoods.

The situation in **Libya** continues to be fraught, as evidenced by the postponement of elections and the continued denial of rights to migrants who have sought to use Libya to flee to Europe and were returned to detention centres in Tripoli and elsewhere. The situation of migrants, refugees and asylum seekers continues to deteriorate significantly. Towards the end of 2021, Libya witnessed record numbers of departures of migrants to Europe and, in turn, record numbers of interceptions by the Libya Coast Guard, who returned more than 32,000 migrants, refugees, and asylum seekers – a country that the UN has declared unsafe for this group of people. In 2020 and 2021, there were very low numbers of departures through formal channels, including resettlement or evacuation flights. This was partially due to COVID-19 restrictions, but also the reticence of the Libyan authorities to allow these activities to continue. The Libyan authorities must enact a legal framework for protection of refugees, migrants, and stateless persons in line with international human rights frameworks, preventing *refoulement* and upholding human rights. Meanwhile, there remains an urgent need for humanitarian actors to gain safe and unhindered access to deliver assistance throughout Libya to deliver timely and appropriate assistance addressing both urgent and longer-term humanitarian needs.

Access to documentation remains a major challenge for many Libyans and migrants moving to and through Libya. There are several cases of it taking up to ten years for people to access documentation. For young people this limits access to livelihoods opportunities. Hosting countries do not always accept UNHCR documentation, which again limits access to services for those fleeing Libya elsewhere into north Africa. NGOs consider that:

- Donors should provide multi-year flexible funding that supports NGOs to conduct complex access negotiations and provide for rehabilitation of damaged infrastructure, whilst maintaining adequate levels of support to provide humanitarian assistance to Libyans and non-Libyans - including refugees, migrants, stateless persons, and asylum seekers alike.
- UNHCR should establish a Refugee Status Determination process and recognise asylum applications beyond the pre-defined nine countries.
- An end to arbitrary detention of migrants and refugees and an immediate, unconditional, and coordinated release of the most vulnerable which includes groups such as women, children and their parents or caregivers, as well as victims of trafficking, elderly people, people living with disabilities and people with medical conditions.
- Urgent reform of Libya’s migration and refugee policy and legal framework, with human rights protections placed at the centre and with the aim to achieve safe, orderly, and responsible migration and access to asylum. Laws that criminalize irregular migration are incompatible with the Libya Constitutional Declaration, Libya’s international legal obligations, and lead to the arbitrary detention of thousands of refugees and migrants in dire conditions, without access to due process protections or judicial review.

Across the **MENA region**, the pandemic has led to deepening inequalities alongside additional illness and death, while public health responses have been limited given the inability of States to support those who would lose incomes. Stakeholders must ensure an increased availability of vaccines across the region, while also responding to low take-up rates in many countries and place additional focus on supporting effective campaigns to increase vaccine take-up across the region.

While highlighted in Lebanon, across other countries in the region increased efforts to promote the reform of gender-discriminatory nationality laws are needed to combat statelessness and uphold women's equal citizenship.

Civic space continues to shrink across the region and civil society is regularly denied opportunities to influence national-level policymaking. It is vital that stakeholders continue to advocate to governments and other duty-bearers across the region to increase civic space and ensure the protection of activists, including women's rights activists. We must also look at our own practices and ensure that decisions on the humanitarian response at all levels are heavily informed, if not led, by local voices.

Thank you.