

NGO Statement on International Protection

Dear Chair,

This statement was prepared through wide consultation with NGOs.

The international response to the Ukraine situation demonstrates how the refugee protection regime can serve its purpose in times of crisis. Countries have mostly kept their borders open to those fleeing the conflict, showing generosity and solidarity. The activation of the Temporary Protection Directive is a significant step towards a more humane regime and fairer responsibility-sharing.

However, this response is unprecedented and not how Europe always approaches international protection of people fleeing other conflicts, like Afghanistan or Syria. In particular, attempts to close off major migrant routes to Europe and recent plans by the UK and Denmark to externalise their responsibilities to Rwanda risk breaching the *non-refoulement* principle and undermine international protection. Such trends are also leveraged by politicians in Low- or Middle-income countries to legitimise their own anti-refugee policies. And while *non-refoulement* constitutes a non-derogable principle, reported state practices of violent pushbacks and detention abound, along with the criminalisation of actors that expose such incidents.

In response to the increase in conflicts, disasters, and climate emergencies States should uphold their commitments and share, rather than shift, the responsibility to save lives and guarantee the rights of displaced people. Normative frameworks and institutional practices should be reinforced to that effect, for example through relaxing visa restrictions and expanding resettlement efforts, which have stalled during the pandemic.

NGOs call for the same level of solidarity, non-discrimination, protection, and political support shown in the Ukraine response for all those escaping conflicts, violence, persecution, and human rights violations. We expect UNHCR to act as a strong, principled, and persuasive advocate for the rights of all displaced and stateless people.

With funding for other humanitarian and displacement crises falling far behind Ukraine, we also strongly urge UNHCR and States to distribute humanitarian aid equitably across regions. We welcome the move by UNHCR to tap into its Emergency Response Fund, but this is not enough and not sustainable.

Against this background, we offer the following comments on:

1. The Syria crisis and host communities

NGOs commend the tremendous efforts of neighbouring countries hosting Syrian refugees. But we are also dismayed by reports of unlawful detention, abuse, and lack of care for refugees, disproportionately affecting women and girls. For example, while recognising Lebanon's longstanding generous approach, NGOs are concerned about some of its asylum policies and practices, which push refugees to desperate measures. In the current economic crisis, when the Lebanese society is under extreme pressure, refugees are too often scapegoated for the country's problems.

We urge all governments in the region to uphold *non-refoulement*, especially as recent reports highlight the many risks faced by returning refugees. Measures such as push-backs or forced roundups of refugees to address security and other concerns, should be forcefully condemned if they occur. Overwhelming evidence show that Syrians do not want to return, with safety concerns, lack of livelihoods, housing, and basic services cited as key factors.

We advocate for needs based, AGD-sensitive protection and solutions strategies to support refugees. UNHCR and States should use a combination of political dialogue, humanitarian diplomacy, technical assistance, and financing to incentivize Lebanon and other host countries to ensure a more enabling legal and policy environment for refugees, while also helping find durable solutions.

2. Afghanistan

One year after the Taliban takeover, the situation remains fragile across the country. With the economy on the brink of collapse, the freezing of development aid and economic sanctions, humanitarian indicators are on a downwards spiral. The protection environment for women and girls, minority ethnic groups, former government and Western Embassies staff also remains concerning.

In light of the ongoing humanitarian and protection crisis, the displacement situation of Afghans will only worsen. Increasing numbers of Afghans are expected to seek refuge in neighbouring countries, many facing the risk of deportation despite UNHCR's non-return advisory.

We call on UNHCR and host states to preserve the asylum and protection space for Afghan refugees and maintain the current non-return advisory for as long as necessary. We also call on host governments, to follow the current advisory and refrain from returning Afghans. In addition, in line with the advisory, any further discussions on the Solutions Strategy for Afghan Refugees and its Support Platform should focus on supporting hosting countries and on resettlement opportunities, rather than promoting returns.

3. Protection and climate change

In 2020 alone, extreme weather events triggered 30 million new internal displacements and climate change will make these events more frequent and intense. In East Africa for example, the drought affecting many countries, including refugee hosting areas but also floods in other areas, are adding to food insecurity. This will most likely increase competition for available resources among refugees and host communities.

In support of commitments highlighted in the Refugee Compact, last year UNHCR published a Strategic Framework for Climate Action, prioritizing preventive measures and solutions. With this framework in mind, NGOs call on UNHCR to use its protection expertise and experience to support stakeholders when policies and frameworks are developed to enhance the protection of people that may be displaced in such contexts. UNHCR should particularly detail ways for its 'Legal considerations' paper to be operationalized, including through developing guidance for RSD officers and other relevant adjudicators.

Moreover, we welcome the issuing of UN flash appeals such as for Pakistan recently and we urge for protection needs linked to climate change to be systematically addressed in HRPs.

To conclude, while commending the international response to the crisis in Ukraine, NGOs repeat their call to ensure that resources are not diverted from unmet humanitarian needs of millions of people worldwide. Despite entrenched discriminatory precedents, it is worth looking ahead as the solidarity shown to the Ukraine people can help reshape and refocus efforts towards increased responsibility-sharing.

A more detailed version of this statement is available at icvanetwork.org

Thank you.