

GENERAL RECOMMENDATIONS

- Regrettably, the zero draft of the Global Compact on Refugees stays away from notions of human rights and instead calls on states and the international community to meet the ‘needs’ of refugees (§9). This shift in focus away from a human rights-based approach opens the door to potential ambiguity about the human rights of refugees and displaced people and which could affect their legal protection. Discussions on the next draft of the Global Compacts need to be anchored in universally adopted human rights commitments.
- The overall language used within the Compact is excessively vague, diluting the dispositions therein. Suggesting that ‘States could’ take action (§14) alongside references to ‘interested States’ mobilising resources (§20) leaves the Compact too open to interpretation and risks inaction on the part of States. The final draft must include a key set of concrete indicators (as mentioned briefly in §77) and a clear timeline with benchmarks, to enable States and the international community to track progress against the Global Compact and to ensure accountability.

NON-DISCRIMINATION

- The term ‘refugees’ ought to be replaced with the blanket term ‘refugees and displaced people’ to reflect the changing nature of forced displacement; the definition of the 1951 Refugee Convention being dated.
- The strengthened capacity and support by the UNHCR in reception and transit areas (§37) must be provided by the Agency without discrimination based on country of origin or the legal status of the beneficiary and rooted in universally held principles of human rights. This is particularly crucial when dealing with children.

PROTECTION AND SAFEGUARDING

- The guidance to relevant authorities (police, military, security, judiciary) on international refugee protection (§39) needs to include training of police officers on the prohibition of the excessive use of force and disproportionate use of tear gas against refugees and displaced people. It must also include safeguarding training with an emphasis on identifying signs of human trafficking, forced prostitution and other forms of exploitation to ensure victims do not fear repercussions when seeking help from authorities.
- The provision of safe spaces (§43) needs to be urgently prioritised and adequately funded. The current wording ('support could be provided for') is wholly unacceptable and risks leaving thousands of women and children, already at risk, without further protection from sexual violence, trafficking and other forms of exploitation. Indeed, signatories to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) must advocate for a Global Compact on Refugees which ensures that the response to sexual and gender-based violence and sexual health matters is strengthened through capacity building among humanitarian organisations operating in camps, and through effective and gender-sensitive camp design and protection mechanisms.

THE PRINCIPLE OF NON-REFOULEMENT

- The Global Compact on Refugees must reflect the provisions contained within the 1951 Refugee Convention and its 1967 Protocol in further safeguarding the principle of non-refoulement as expressed in Article 33(1). A cornerstone of asylum and international refugee law, the principle of non-refoulement is currently not mentioned in the Global Compact on Refugees, which only makes recommendations related to 'voluntary repatriation' (§66-68).
- The principle of non-refoulement follows on from the right to seek and enjoy in other countries asylum from persecution, as per Article 14 of the Universal Declaration of Human Rights, and this right is threatened when a refugee is returned to her/his country of origin through repatriation, which might be framed 'voluntary' but in many instances lacks informed consent.

HEALTH AND EDUCATION

- The current draft fails to recognise that access to education (§52) and access to health (§55) are fundamental human rights enshrined within the Universal Declaration of Human Rights. Indeed, providing education and healthcare are not optional for host States; they are fundamental responsibilities which need to be upheld.
- The types of health support outlined (§56) ought to include mental health care, with specific training of healthcare practitioners in treating post-traumatic stress, depression and similar conditions often found amongst refugees and displaced people. Adequate provisions and funding must also be allocated to ensure that psycho-social support, and the assurance that children and youth have access to social workers.
- Healthcare provision must also include the Minimum Initial Service Package (MISP) which is a standard sexual and reproductive health package to be expected in all humanitarian contexts.
- In addition to training (§56), healthcare workers must have access to trained and vetted interpreters (including women interpreters) to ensure effective communication with the patient as required.

ACCOMMODATION

- An additional paragraph should follow after §57, requiring host States to take all necessary means to ensure that no refugees and displaced people are left without shelter in destitution, in particular during freezing winter months in European capitals.

SAFE AND LEGAL ROUTES

- The references to complements to resettlement in §72 ought to explicitly include concerted and scaled-up efforts at ensuring safe and legal passage, as part of states' and UNHCR's efforts to tackle trafficking and exploitation of young people and women. This is to ensure they are not left stranded in countries of transit where they are exposed to a heightened risk of sexual exploitation, violence and trafficking.
- Moreover, §72 ought to require States and the UNHCR to ensure access to legal advice and information in languages understood by the beneficiaries.

CONCLUSION

- Universally acknowledged human rights must be placed at the centre of any discussions relating to the Global Compacts, to ensure that refugees and displaced people are afforded the protection and opportunity expected by international standards.
- Strong leadership on such high-level engagement will help to successfully unlock the situation in which refugees are currently trapped, facing sub-par humanitarian standards and daily violations of their human rights across the globe.