

Comments on the Draft Global Compact on Responsibility Sharing for Refugees

Speaking Points Switzerland

--> thank co-facilitators/authors of the document

Overall we can support the elements suggested in the draft Global Compact, We do believe that reiterating these principles at the highest political level is necessary and a sign of continuous commitment. The tragedies still unfolding in various regions of the world affecting millions of displaced persons and their host communities, should however give us the necessary impetus to move beyond previously stated principles. We would like to suggest four areas where additional commitments should be considered to be included in the Global Compact: Prevention, Self-reliance, humanitarian development gap, gender.

Prevention

A core element of responsibility sharing is also our common obligation to prevent forced displacement in the first place. The Global Compact is merely reactive and does not sufficiently address this essential element of a comprehensive response to forced displacement.

We suggest to include for instance the following commitments:

- A commitment to strengthen and support efforts to mainstream human rights issues throughout the entire UN system, in particular as an early warning instrument within those institutions whose work focuses on the UN peace and security pillar, inter alia by supporting the Human Rights Up Front Initiative
- A Commitment to universally implement the 2030 Agenda with a particular focus on Goal 16 when it comes to preventing forced displacement related to conflict and persecution.

It is our intention to emphasize that we can prevent forced displacement better and that the international community is acknowledging this as a priority. The best solution to forced displacement is that it doesn't happen in the first place.

Self-reliance

Some of the essential elements to ensure self-reliance are access to education, to work, health, housing and justice. These elements are

briefly mentioned in the current draft, but would deserve more visibility and tangible commitments. We would therefore suggest to at least aligning these areas to the specific targets in the 2030 Agenda.

- On education for example we should reference target 4.1 on quality primary and secondary education for all children girls and boys and therefore also refugee children.
- On access to work it is important to ensure the protection of labor rights as well as safe and secure working environments as stipulated in target 8.8. We should also reference access to vocational training and tertiary education (target 4.3).
- In target 16.3 we have committed ensuring access to justice for all.

Humanitarian – Development Gap

We suggest to include:

- A commitment to further coherence between humanitarian and development actors, notably through joint context analysis, joint strategic planning, as well as close operational cooperation, based on comparative advantage of different actors to achieve collective outcomes on country or regional level when addressing situations of forced displacement. These collective outcomes should be followed with collective results-based funding instruments. To this effect, the planning cycles of UNDAFs and humanitarian Strategic Response Plans should be aligned.
- Having said this we also need to acknowledge the primacy of humanitarian principles to continue to underpin humanitarian action as well as agree to uphold the principles on aid effectiveness.

Gender

More emphasize has to be given to gender specific vulnerabilities and protection needs. We therefore suggest the authors of the draft to engage with UN Women and other relevant stakeholders to review the Global Compact and propose additional specific commitments. One area of particular attention should be on sexual and gender based violence but also ensuring access to sexual and reproductive health and reproductive rights for displaced persons. Additionally we should also commit to ensuring women's and girls' leadership and full and equal participation. Their participation can be a valuable contribution to finding local solutions.

Let me conclude with some final general remarks.

It would be good to get some clarifications on the exact nature of the Global Compact. While we understand that it should be adopted as an Annex to the Political Declaration does it then become a more independent document or will it continue to be read in the context of the Political Declaration. The relation between the two documents – and later one possible between the three documents – has an impact on the content, the implementation and the review of the documents. We would favor a close interrelation between the documents and would therefore suggest specifying this at the beginning of the Global Compact. This question would also define if we should include a specific chapter on follow-up and review in the Global Compact. Comments on the Draft Global Compact on Responsibility Sharing for Refugees

Thank you.

Speaking Points Switzerland 07.07.2016

Outcome Document

Addressing Root causes and Prevention of forced displacement

In this regard we have to look at questions related to conflict prevention, fragility, governance, peaceful and inclusive societies but also disaster risk reduction and other causes of forced displacement

The political declaration should therefore acknowledge these interrelations. We suggest to include the following:

- A reference to the particular importance of Goal 16 when it comes to preventing forced displacement related to conflict and persecution.
- A commitment to increasingly integrate the protection and promotion of human rights into conflict prevention activities acknowledging thereby that human rights violations are often an indicator of potential instability and an early warning for the escalation of violence and conflict that will result in forced displacement.
- A commitment to better involve all relevant stakeholders from the humanitarian, human rights, peacebuilding and development domains in joint efforts across silos.

It is our intention to emphasize that we can prevent forced displacement better and that the international community is acknowledging this as a priority. The best solution to forced displacement is that it doesn't happen in the first place.

We also suggest to be more precise with the following references to root causes in the document:

- refer to armed conflict and regions affected by violence and not just conflict
- refer to disasters, including the adverse effects of climate change - instead of natural disasters and climate change. Explanation: there are also disasters that are not induced by climate change (e.g. Earth quakes)

Legal Framework

We would like to see a strong reference to IHL. The document should emphasize that ensuring respect for international humanitarian law is crucial to prevent forced displacement in the first place. IHL protects civilians in times of armed conflict and its violations often constitute a root cause of displacement.

Return

As we already mentioned we welcome the mention of return, but we would like to reiterate that this should be combined with a reference to human rights *norms* and standards as well as a reference to compliance with the principle of non-refoulement.

Nansen/MICIC

As we have stated last time we are very supportive of those references. With regard to the Nansen Paragraph we suggest to update the language by also referring to the newly launched state-led Platform on Disaster Displacement.

High Level Dialogue instead of conference

With regard to the Global Compact on safe orderly and regular migration and the process of its elaboration we would like to suggest the following: The Global Compact should be adopted at the next HLD. As for the process we suggest that the SRSG on International Migration in consultation with governments propose a process. This proposal could then be formalized in the 2C migration and development resolution.

Other comments - short

As mentioned last time we welcome that the declaration is firmly anchored within the 2030 Agenda and that it does recognize the important contribution of migrants to sustainable development as well as the principle of leaving no one behind.

Here he would like to make two points:

- the contribution of displaced persons and migrants to sustainable development and the challenges related to forced displacement and irregular migration are not mutually exclusive
- leaving no- one behind refers to everyone, including IDPs. We are deeply concerned that the text currently suggests that this principle applies to refugees and migrants but not to IDPs. No-one means no-one, not refugees not migrants not IDPs. no exceptions.

A few additional comments on precision of language:

- refer to protracted displacement (crisis) instead of protracted refugee crisis
- We suggest to correct the references to “vulnerable migrants” and use “migrants in vulnerable situations” instead
- We need to be careful not to conflate human trafficking and smuggling, while trafficking is always a human rights violation, smuggling does not automatically lead to human rights violations.

- When referring to international cooperation regarding migration we suggest to not only mention cooperation but also partnerships
- On several occasions the text would benefit from a clear distinction between voluntary and involuntary movements. Especially when referring to "addressing large movements of migrants"

Finally we would like to express our full support for the co-facilitators approach to avoid line-by-line negotiations. Agenda 2030 sets a good precedent. It demonstrates that such an approach can be very successful and there is still sufficient room for delegations to make detailed comments.

Thank you