

MYAN (Australia)

Response to Final Draft of the Global Compact on Refugees

July 2018

A. Background

1. MYAN welcomes the release of the Final Draft of the Global Compact on Refugees (GCR). The creation of the GCR is a critical opportunity for the recognition and inclusion of refugee youth rights and needs in discussions around refugee protection. This would ensure that refugee youth, as a group with distinct rights, needs and capacities, and who make up at least one-third of the global refugee population¹, are adequately protected and empowered². This reflects and builds on the work of UNHCR and civil society over several years in promoting the rights and needs of refugee youth.

2. In December 2017, MYAN prepared an 'Advocacy Brief on Youth Rights in the Global Compact on Refugees'³ to support the inclusion of youth rights and needs in the Global Compact on Refugees (GCR). UNHCR's Global Youth Advisory Council (GYAC) provided input and endorsed the brief during the High Commissioner's Dialogue on Protection Challenges 2017. Following the release of Draft 1 of the GCR in March, MYAN released 'Response to Draft 1 of the Global Compact on Refugees'⁴ in April 2018 and also co-drafted with Mercy Corps a position paper from the Compact for Young People in Humanitarian Action, 'Recommendations on youth in the Global Compact on Refugees'⁵. This has been endorsed by the Compact membership as well as UNHCR's GYAC. MYAN also released responses to Draft 2⁶ and Draft 3⁷ of the Global Compact on Refugees containing specific recommendations for change in the text of GCR.

3. While building on MYAN's earlier recommendations in its *Advocacy Brief* and MYAN's response to Drafts 1, 2 and 3 of the GCR, this response continues to reinforce the five areas of action of the Compact for Young People in Humanitarian Action (from here on Youth Compact)⁸, which cover young people's engagement through partnerships and inclusive programming; reinforcing young people's capabilities; better data collection on youth and including youth in monitoring, evaluation and reporting on policy and programmes pertaining to youth.

4. Based on feedback received from UNHCR, MYAN's response to the Final Draft makes recommendations for changes to or insertion of text under specific sections of the Draft. These are detailed below.

¹ While there is no current data on the global numbers of refugee youth, in 2013 UNHCR estimated that approximately one third of refugees are between 10 and 24 years old. See UNHCR (2013) *A Global Review: UNHCR's Engagement with Displaced Youth*. Available at: <http://www.unhcr.org/513f37bb9.pdf> p.9

² See also United National Development Program (UNDP), *Global Compact on Refugees - UNDP's Written Submission to the First Draft GCR (9 March) - Draft Working Document - March 2018*. Available at: <http://www.unhcr.org/en-au/events/conferences/5aba3ee77/undps-written-submission-first-draft-global-compact-refugees.html>

³ MYAN Australia (2018) *Advocacy Brief Youth Rights in the Global Compact on Refugees*. Available at:

<http://www.unhcr.org/events/conferences/5a562f9a7/myan-australia-advocacy-brief-youth-rights-global-compact-refugees.html>

⁴ MYAN Australia (2018) *Response to Draft 1 of the Global Compact on Refugees*. Available at:

<http://www.unhcr.org/events/conferences/5acb125a7/myan-australia-response-draft-1-global-compact-refugees.html>

⁵ Compact for Young People in Humanitarian Action (2018) *Recommendations on young people in the Global Compact on Refugees*. Available at: https://www.agendaforhumanity.org/sites/default/files/resources/2018/Apr/Position%20paper%20Refugee%20Compact%20-%20Compact%20for%20Young%20People%20in%20Humanitarian%20Action_0.pdf

⁶ MYAN Australia (2018) *Response to Draft 2 of the Global Compact on Refugees*. Available at: <http://www.unhcr.org/en-au/events/conferences/5afc21387/myan-australia-response-draft-2-global-compact-refugees.html>

⁷ MYAN Australia (2018) *Response to Draft 3 of the Global Compact on Refugees*. Available at: <http://www.unhcr.org/en-au/events/conferences/5b2ba3717/myan-australia-response-draft-3-global-compact-refugees.html>

⁸ World Humanitarian Summit (2016) *Compact for Young People in Humanitarian Action*. Available at <http://www.un.org/youthenvoy/wp-content/uploads/2016/05/CompactforYoungPeopleinHumanitarianAction-FINAL-EDITED-VERSION1.pdf>. See Annex for reading these Action Areas.

B. General statements

5. MYAN welcomes the Final Draft and commends UNHCR for its efforts to reach a consensus around a new global framework for increased burden and responsibility sharing for refugee protection. MYAN understands that the process has been challenging given involvement of a wide variety of stakeholders and competing priorities of host states and communities, donors, third countries and, refugees themselves.

6. MYAN understands the importance of engagement of and ownership by states hosting refugees in the process leading to the Global Compact of Refugees. The process we believe should continue to aim to improve the lives and protect the rights of people in need of international protection in emergency phases and in protracted situations, as well as during the process of reaching durable solutions - while also balancing the requests of host states as well as donors and third states.

7. Despite these challenges, MYAN is pleased to see important progress in text since the release of the Zero Draft in January 2018. Of particular note is the increasing recognition of and stronger language for young people and links between young people in refugee and host communities.

8. MYAN believes the Final Draft reflects the progress achieved so far in specifically recognizing adolescents and young people. MYAN commends UNHCR for specific references to adolescents throughout the Final Draft of GCR.

9. MYAN is pleased to see that some of its recommendations (and those of the GYAC, Mercy Corps, the Compact on Young People in Humanitarian Action and others) have been incorporated into new drafts released throughout the process and commends UNHCR for progressing the rights of adolescents and young people in GCR. A specific section on 'children, adolescents and youth' is commendable and particularly important progress.

10. MYAN understands that at this stage of the process there may not be space for any significant changes in the Final Draft, however would like to reiterate some of its previous recommendations as vital for implementing and realizing the rights of adolescents and young people.

C. Comments and recommendations for changes

11. MYAN welcomes inclusion of specific references to the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) under **(ii) Guiding Principles** given the broader rights covered under these two human rights instruments, including youth rights.

12. MYAN however continues to regret that the principle of best interest of children is not mentioned under **(ii) Guiding Principles**. MYAN continues to believe that as the overarching principle guiding the whole process and GCR, the principle of best interest of children should specifically be mentioned in this section.

13. MYAN observes that the final draft has an increased emphasis on the primacy of national leadership and ownership of host states under various sections. While recognizing that national ownership of host countries is vital for refugee protection, MYAN believes that the absence of reference to the need for input from refugee and host communities and civil society organisations working with refugees (under *(ii) Guiding Principles, 2.1. National Arrangements*, as well as under *2. Meeting needs and supporting communities*) risks leaving refugee and host communities, as well as civil society organisations, excluded from national decision-making processes.

14. MYAN welcomes the mention of meaningful participation of youth under *III. Programme of Action* (para. 13) and that the PoA has been underpinned by a partnership and participatory approach involving refugees and host communities, including youth.

15. MYAN regrets that the reference to “participation of refugee children and youth in policy and decision-making through local refugee youth councils, building on UNHCR’s Global Youth Advisory Council” as mentioned under the *3.2. Multi-stakeholder and partnership approach* in Draft 3 (footnote 20 under para. 34) as well as in all of the previous drafts, has been removed from the final draft. MYAN believes that the Global Youth Advisory Council (GYAC) is a unique example of engaging refugee youth globally in advocacy and policy making and considers it vital to refer to the participation of youth through local and global bodies in the final draft. MYAN strongly believes that this reference should be reinstated to the GCR.

16. MYAN notes that *3.2. Multi-stakeholder and partnership approach* continues to lack an emphasis on engaging both refugee and local youth in joint sports and that cultural activities is not mentioned (which we believe is important for social cohesion and peaceful coexistence) (para. 44).

17. MYAN regrets that the language around detention of children in *1.5 Addressing specific needs* has not been strengthened and uses the same language as in Draft 3 (para. 60).

18. MYAN continues to regret that youth and adolescents haven’t been specifically mentioned under the *2.1 Education* section in relation to minimizing the time spent out of school to a maximum of three months (para. 68).

19. MYAN welcomes renaming of the section on ‘Children and Youth’ in Draft 3 as *‘2.5 Children, adolescents and youth’* in the final draft, however regrets that the paragraph on youth (para. 77) remains limited in its scope. MYAN furthermore regrets that language in this paragraph has been weakened by excluding the wording related to facilitating youth networking and information sharing in Draft 3. MYAN strongly believes that this section should refer to youth-specific policy and programming that recognise, protect and respond to particular rights, needs and capabilities of refugee youth - similar to the paragraph focusing on children and adolescents under this section (para. 76). Capacity development for relevant national authorities as well as age-sensitive procedures and investment in youth friendly systems for young people should be included in the GCR.

20. MYAN welcomes that **2.7 Food security and nutrition** section now refers to access to sufficient, safe and nutritious food by youth (para. 80).
21. MYAN welcomes renaming the ‘2.10 Tolerance and peaceful coexistence’ section in Draft 3 as **2.10 Fostering good relations and peaceful coexistence** in the final draft (para. 84). MYAN understands that this change will not undermine efforts towards inclusion of refugees, especially young refugees into national structures and systems, as well as efforts to build positive and long-term relations between the host and refugee communities.
22. MYAN regrets that the reference to ‘gender- and age-responsive livelihood opportunities and measures to address housing, land and property issues’ under Draft 3 has been amended to only refer to ‘support for development, livelihood and economic opportunities and measures to address housing, land and property issues’ in the final draft (para. 89) under **3.1 Support for countries of origin and voluntary repatriation**. MYAN believes that the lack of gender- and age-responsive opportunities risks reintegration of women and youth in the country of origin/repatriation.
23. MYAN regrets that **3.2 Resettlement** in the final draft has not been strengthened by referencing ‘age-, gender- and culturally appropriate’ reception and integration services for resettled refugees (para. 92).
24. MYAN regrets that **3.3 Complementary pathways for admission to third countries** continue to lack reference to age (para. 94), to ensure that such pathways are available on both an age and gender responsive basis. MYAN also understands the language around family reunification in Draft 3 has been maintained in the final draft (para. 95), however believes that this language could be strengthened with specific reference to low cost and fast procedures.
25. MYAN regrets that **IV. Follow up and review** section continues to lack a reference to a transparent process inclusive of all refugees (including young people) for determining indicators and measuring progress of the Compact. MYAN however welcomes the change of language around *meaningful* participation of refugees to Global Refugee Forums in the final draft (para. 106), whereas the Draft 3 only referred to ‘adequate participation’.
26. MYAN supports and encourages UNHCR’s ongoing engagement with NGOs in this process and in follow up arrangements.
27. MYAN Australia is happy to further contribute to development and implementation of the Global Compact on Refugees to advance youth rights agenda and would be happy to support UNHCR and other stakeholders involved with its youth-specific expertise.

Contact

Nadine Liddy, National Coordinator
MYAN Australia
Email: nadine@myan.org.au