

Justice and Protection for Refugees: Building on the UN's Global Compact



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Learning and Case Studies from Islamic Relief's Work with Refugees



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Introduction

The world is currently witnessing the highest levels of human displacement on record. Over 71 million people have been forced from their homes. At the same time, the rights, dignity and protection needs of refugees around the world are often being undermined both in immediate crises and in protracted refugee situations lasting several years.

Islamic Relief has been responding to forced migration crises since our inception in 1984. We are now working to meet the needs of refugees, internally displaced people, asylum seekers and returnees in 26 countries around the world. In this work, we have developed partnerships with numerous governments and key institutions, notably the United Nations; in 2013, Islamic Relief was listed as one of the UN High Commissioner on Refugees' (UNHCR) top ten international implementing partners.

At the United Nations Summit for Refugees and Migrants in New York in September 2016, 193 world governments unanimously adopted the New York Declaration for Refugees and Migrants. This Declaration promised to produce a Global Compact on Refugees to improve the world's response to large-scale movements of refugees and migrants, with four key objectives:

- Easing pressures on countries that welcome and host refugees
- Building the self-reliance of refugees
- Expanding access to resettlement in third countries and other complementary pathways
- Fostering conditions that enable refugees voluntarily to return to their home countries.

Drafts of the Global Compact on Refugees have been produced in early 2018 and contain numerous positive policies to ensure that the rights and protection needs of refugees are upheld. This briefing, based on Islamic Relief's experience of working with refugees in numerous countries, and showing case studies from our work, highlights key policies that world governments must now promote.

The international community must ensure that the Global Compact process results in:

- Increased global funding for refugee protection and basic needs, with states, especially wealthy countries, re-committing to providing adequate funding for refugee emergencies and ensure they pay their fair share.
- Governments around the world enacting legislation to uphold refugee rights and enabling refugees to access services and employment and to improve registration processes.
- A re-commitment on the part of states to resettle larger numbers of refugees in their countries.
- Combatting xenophobia wherever it occurs and raising global awareness of the legal obligations of states to uphold the rights of refugees.
- Greater efforts to ensure that a high quality education is provided for every refugee child
- Adequately-funded sexual and gender-based violence (SGBV) services and prevention programmes, as key aspects of global responses to refugee crises and protracted situations.
- A stronger focus on the provision of psycho-social support services for refugees.
- Faith-based actors at local, national and international levels being actively involved in the joint planning and delivery of protection and assistance for refugees and support to host communities, including in the areas of conflict prevention, reconciliation and peacebuilding, and private sponsorship programmes or other pathways.

This briefing seeks to encourage the international community to make more effective progress towards these goals and to ensure the Global Compact protects and enhances the rights of refugees around the world.

THE CURRENT CRISIS IN GLOBAL REFUGEE PROTECTION

Highest levels of displacement on record

The world is now witnessing the highest levels of displacement on record. Official figures declare that some 71 million people around the world have been forced from their homes. Among them are:

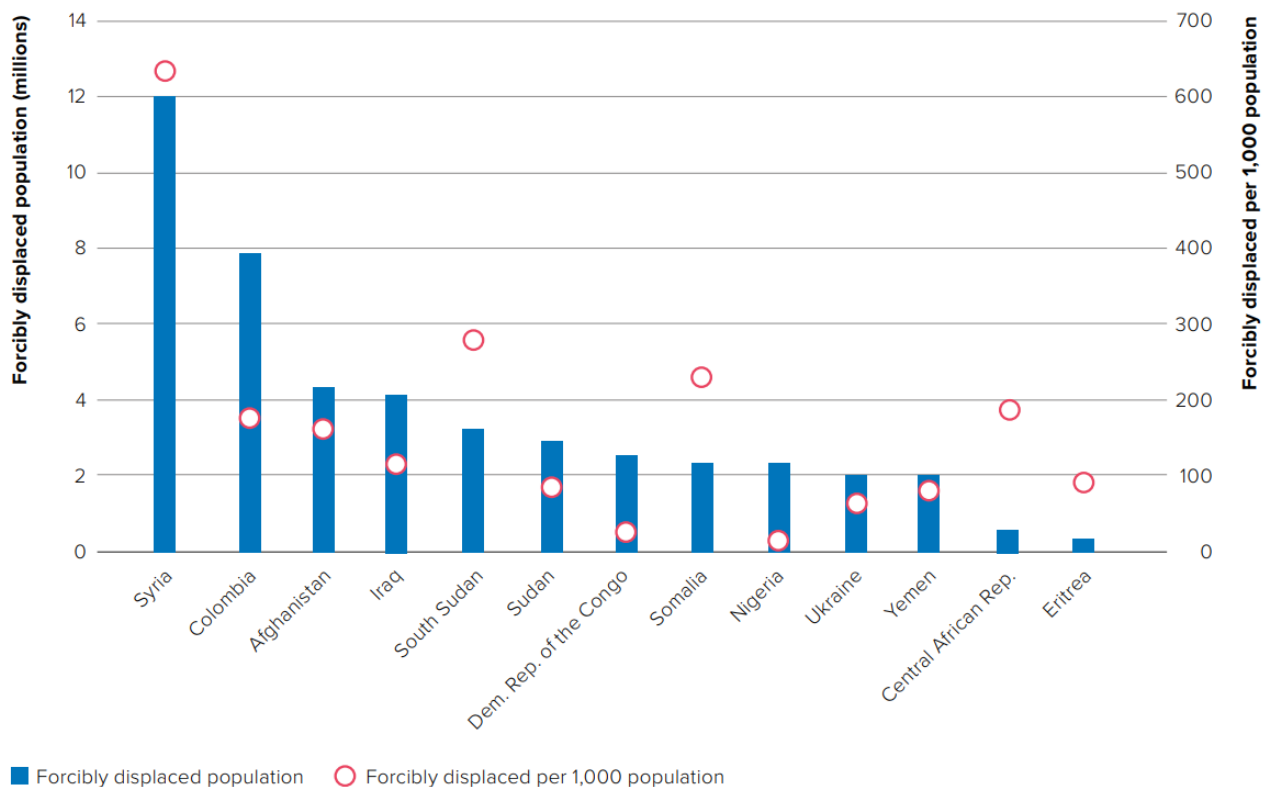
- Around 20 million refugees, over half of whom are under the age of 18 – the highest total number of refugees on record.
- Over 39 million internally displaced persons (IDPs) worldwide.
- 3.9 people who are stateless.

However, the true number of forcibly displaced people is likely to be even higher. In Libya, for example, the International Organisation for Migration (IOM) has officially registered 704,142 migrants but estimates that the true figure is likely to be 750,000 to 1 million. The number of Syrian refugees in Lebanon – officially estimated at 1.1 million – is also believed to be much higher.

The UN High Commissioner for Refugees (UNHCR) notes that currently nearly 20 people are forcibly displaced every minute as a result of conflict or persecution. Intractable and new conflicts mean that the total number of people internally displaced by conflicts and generalised violence has almost doubled since 2000. People internally displaced by violence and conflicts at the end of 2016 are hosted in 56 countries and territories, with Colombia and Syria housing the largest numbers.

The top ten countries of origin of refugees include Syria, Afghanistan, South Sudan, Somalia, Sudan, the Democratic Republic of the Congo, Central African Republic, Myanmar, Eritrea and Burundi. Nine of the top ten refugee-hosting countries were in developing regions, with Turkey and Pakistan hosting the largest numbers of refugees.

| Forcibly displaced population and proportion of population forcibly displaced | end-2016



TRADITIONAL APPROACHES ARE LIMITED

The traditional approaches used to deal with refugee movement and displacement have become too limited in their scope to deal with the overwhelming numbers. These include voluntary repatriation (where people choose to return to their countries of origin), resettlement to a third country (where people are allowed to live in a new country) and local integration (where displaced people are allowed to live in the country to which they have fled).

During 2016, only around 550,000 refugees returned to their countries of origin. Returnees have represented less than 5% of the overall refugee population since 2013, well below the number of newly arrived each year. As for resettlement, in 2016, around 190,000 refugees were admitted for resettlement globally - representing less than 1% of the world's refugee population.

Millions of people are caught in long term, or protracted, displacement. Traditionally, a 'protracted refugee situation' has been defined by UNHCR as one in which 25,000 or more refugees from the same nationality have been in exile for five consecutive years or more in a given asylum country. Based on this definition, 11.6 million refugees, representing some two-thirds of all refugees, were in protracted refugee situations at the end of 2016.

CHANGING CONTEXTS

The situation for many displaced people is changing. Refugees from many crises are nowadays more likely to be hosted among local communities than in designated refugee camps. Too often, this can result in local services, such as health, education, or energy being overwhelmed by the demand, and competition for housing and jobs can lead to tensions between refugee and host communities. This highlights the importance of improving services and access to them for all – refugees and non-refugees. Refugees desperately need access to services and jobs and also deserve recognition for their contributions to society – precisely what the Global Compact attempts to achieve.

Many cases of large-scale movement of people involve 'mixed migration' - a mix of people who are refugees, asylum seekers, other forced migrants and economic migrants in search of a better life. Support needs to be provided for all these people, although the nature and extent of this support varies according to national and international legislation and laws. The protracted nature of crises highlights the importance of long-term development solutions, not just short-term humanitarian policies.

DEFINITIONS

Refugees are people who have crossed an international frontier and are at risk of, or have been victims of, persecution in their country of origin. Refugees are protected by refugee law – mainly the Convention Relating to the Status of Refugees (1951) – which protects them against being sent back to their country of origin (non-refoulement), provides for their freedom of movement in their host country and provides for family reunification to a certain extent.

Internally displaced persons (IDPs), on the other hand, have not crossed an international frontier, but have also had to flee their homes. Unlike for refugees, there is no universal treaty that specifically addresses the protection needs of IDPs, although they are protected by various bodies of law, including domestic law, human rights law and – if they are in a state involved in armed conflict – international humanitarian law.

The term **‘forced migration’** is not a legal concept but is sometimes used as a term that covers many kinds of displacement or involuntary movement – both across international borders and inside a single country. Some organisations refer to seven types of forced migrants: refugees, asylum seekers, IDPs, development displacees, environmental and disaster displacees, smuggled people and trafficked people.

‘Migrant’ is a general term, often used very freely, for anyone who has left their place of origin. It can refer to those who have voluntarily left their homes or those who have been forced from their homes for either political or economic reasons. As UNHCR has noted, blurring the terms ‘refugees’ and ‘migrants’ takes attention away from the specific legal protections refugees require, such as protection from refoulement and from being penalised for crossing borders without authorisation in order to seek safety.

HOW IS INTERNATIONAL PROTECTION BEING UNDERMINED?

The UNHCR notes that ‘the greatest challenge to refugee protection is most certainly not the 1951 Convention itself, but rather ensuring that states comply with it’. In recent years, especially, the rights of refugees and those forcibly displaced have often been undermined or not fulfilled. Many states have in effect reneged on their obligations to uphold fully international human rights laws. The EU’s recent deals with Turkey and Libya, and Australia’s ‘Pacific Solution’, are three examples of agreements widely criticised for failing to uphold human rights (see box).

The EU/Turkey agreement of 2016 has sought to stem migration and refugee flows from Turkey to Greece by instituting large-scale, fast-track returns of all ‘irregular migrants’ crossing to the Greek islands from Turkey. It sends irregularly arriving Syrians back to Turkey with the promise that for each Syrian readmitted by Turkey, an EU member state will agree to resettle another Syrian refugee from Turkey. These returns have been criticised for failing to assess whether people adequately need international protection.

The 2017 agreement with the UN-backed Libyan government signed by Italy and endorsed by the EU is also focused on preventing migrants and refugees reaching Europe. EU policy has supported the Libyan Coast Guard to intercept people at sea, by providing them with training, equipment, including boats, and technical and other assistance. The EU has also provided technical support and assistance to the Libyan DCIM, which runs the detention centres where refugees and migrants are held arbitrarily and indefinitely. Yet these are overcrowded and unsanitary, where torture, beatings and sexual violence are rife. In 2017, about 20,000 people were intercepted by the Libyan Coast Guard and taken back to these detention centres. The criminalisation of irregular entry under Libyan law, coupled with the absence of legislation or infrastructure to protect asylum seekers and victims of trafficking, has resulted in mass, arbitrary detention becoming the primary migration management system in the country.

Amnesty International notes that EU governments are:

'knowingly complicit in the torture and abuse of tens of thousands of refugees and migrants detained by Libyan immigration authorities in appalling conditions in Libya... [and] are actively supporting a sophisticated system of abuse and exploitation of refugees and migrants by the Libyan Coast Guard, detention authorities and smugglers in order to prevent people from crossing the Mediterranean.'

In 2013, the Australian government introduced a new version of the 'Pacific Solution' for increasing numbers of asylum-seekers arriving by boat in Australia. The new version included the transfer of asylum-seekers to Nauru and Manus Island in Papua New Guinea and the resettlement in these Pacific Island countries of those found to be refugees, introducing long-term detention for those who are not successful and who do not decide to return to their original countries. This 'offshore processing' – Australia's de facto transfer of its legal responsibilities onto Nauru and PNG – raises issues about Australian policy's conformity with international law.

One problem is that several states at the forefront of refugee situations are not signatories to the 1951 Refugee Convention. For example Libya, which is hosting over 700,000 refugees and migrants, criminalises all irregular entry into the country without distinguishing between refugees, asylum seekers and migrants. Other non-signatories to the 1951 Convention include Pakistan, India, Bangladesh, Myanmar, Saudi Arabia, Iraq, Jordan, and the United States.

Around the world, a range of policies imposed by states are threatening international protection of refugees. Some states have strengthened mechanisms to prevent physical entry and to deny lawful presence or stay, as well as tightened up visa and asylum requirements. In some cases, asylum seekers are treated as irregular migrants. Many forced migrants are often denied work permits by national authorities while children are denied full access to public education.

Many are denied legal aid or face restrictions on their legal status, or are denied documentation or discriminated against in finding accommodation.

Asylum seekers have been contained in detention centres where legal aid or due process is denied or restricted, or where there are excessive delays in processing applications. Where refugees and IDPs are housed in camps, they often face overcrowding, high rates of diseases, malnutrition and dehydration, the lack of proper sanitation and potable water. Women, in particular, can face a lack of security, sexual exploitation, and gender-based violence.

Since many refugees and migrants are forced to work informally or illegally, they can face humiliation at work – if they find such work – and isolation from the host society, rendering them vulnerable to human rights violations.

Then there is the social discrimination that refugees and migrants face in many countries related to physical and racist attacks. Counter-terrorism policies have often led to religious stereotyping and further discrimination. Migration is increasingly characterised as a national security and enforcement concern in which deterrence is the cornerstone of migration policy, rendering migrants vulnerable to human rights violations, racism and xenophobia at all stages of the migration process. The rise of far-right political parties and candidates has intensified these trends and fuelled militarised responses to large groups of people on the move.

COUNTERING VIOLENT EXTREMISM AND POORLY DESIGNED BANKING LEGISLATION

The Countering Violent Extremism agenda has led to poorly designed legislation by some states, including in the European Union, that have threatened banks and money transfer agencies with draconian fines for transferring money to terrorists or proscribed groups. As a result, financial institutions are applying inappropriate and indiscriminate transfer restrictions to agencies with religious titles or who work in conflict areas, and this has impacted the work of many faith based agencies to support refugees as well as the ability of desperate refugees to receive remittances.

Banks and financial institutions need to be brought more overtly into the multilateral planning for refugee protection to facilitate financial inclusion for refugees, particularly female headed households and other vulnerable and marginalised groups, as well as local civil society actors supporting them, enabling legitimate transfers.

The 'securitisation' of migration policies is also undermining refugee rights and international protection, evidenced in EU policies towards Libya (see box above). EU migration policies have heavily focused on restricting migration into the EU, drawing criticism from civil society where this is coming at the expense of the protection of the most vulnerable and upholding human rights. The EU's focus on border management - by reinforcing the capacity of countries such as Libya, Niger and Chad to control their borders and, as such, control Europe's - has appeared to have taken priority over enhancing safe and legal routes into the EU.

The sorry state of international protection of people on the move is perhaps best encapsulated by the suggestion - widely accepted - that if a new international refugee convention process were to be reopened today, it would not pass. However, the new Global Compact process represents the best global opportunity to strengthen international refugee protection.

'The rise of populism has led to a systematic and wilful confusion in the public opinion, mixing security problems, terrorism, migrant flows and refugees and asylum means challenging the notion that refugees and asylum-seekers are agents of insecurity or even terrorism rather than its victims... The plague of internal displacement demonstrates all too clearly that racism, xenophobia, ethnic conflict, violent nationalism and religious fundamentalism are still alive and strong in our world today. We can defeat them only in the name of tolerance, not a value of any specific civilisation but of civilisation itself.'

Then UN High Commissioner for Refugees,
Antonio Guterres, 2009

REFUGEE IMPACT AND HOW IT COULD MAKE A DIFFERENCE

The 2016 New York Declaration for Refugees and Migrants and its accompanying Comprehensive Refugee Response Framework (CRRF) could be milestones for global refugee protection at a time of unprecedented displacement across the world. The New York Declaration committed states to developing two compacts – a Global Compact on Refugees and a Global Compact for Safe, Orderly and Regular Migration.

Both contain wide-ranging commitments reaffirming the need on the part of states to respect the human rights of refugees and migrants and to support the countries that welcome them. At the root of the Declaration is a recognition that the world's response to large-scale movements remains inadequate and underfunded, and it calls for more predictable and comprehensive responses to these crises. As UNHCR notes, at the heart of this approach is the idea that refugees should be included in communities from the very beginning:

'When refugees gain access to education and labour markets, they can build their skills and become self-reliant, contributing to local economies and fuelling the development of the communities hosting them. Allowing refugees to benefit from national services and integrating them into national development plans is essential for both refugees and the communities hosting them, and is consistent with the pledge to "leave no one behind" in the 2030 Agenda for Sustainable Development.'

SOME KEY COMMITMENTS IN THE NEW YORK DECLARATION


The Declaration notes that states 'are determined to address the root causes of large movements of refugees and migrants, including through increased efforts aimed at early prevention of crisis situations based on preventive diplomacy'.

States also 'recognise and will address, in accordance with our obligations under international law, the special needs of all people in vulnerable situations', including women and unaccompanied children.

States 'will implement border control procedures in conformity with applicable obligations under international law, including international human rights law and international refugee law'.

In addition, the Declaration states: 'Reaffirming that all individuals who have crossed or are seeking to cross international borders are entitled to due process in the assessment of their legal status, entry and stay, we will consider reviewing policies that criminalise crossborder movements'.

In addition to commitments for refugees, the New York Declaration includes separate commitments for migrants and those that apply equally to refugees and migrants, including those aimed at saving lives, addressing specific needs, and countering racism, xenophobia and human trafficking. In relation to migrants, states commit to addressing the drivers of irregular migration; ensuring migration is a choice and not a necessity; assisting, on the basis of needs, migrants in countries facing conflict or natural disasters; reducing the costs of labour migration; promoting ethical recruitment policies; and, applying minimum labour standards.



Drafts of the Global Compact on Refugees produced by the UNHCR in early 2018 state that it aims to bring about:

- an improved sharing of the burden and responsibility, building a system that facilitates a more equitable and predictable distribution of contributions among States – and, where relevant, other stakeholders – including through the hosting of refugees, making financial contributions, and supporting solutions;
- enhanced protection and socio-economic conditions for refugees and host communities, notably women and girls, children, older persons, people with disabilities, and others with specific needs, taking into account each country's capacities and resources; and
- a reduction in the number of refugees who live in protracted situations through the achievement of durable solutions.¹

In particular, the draft Compact states that it will seek to mobilise:

- political will on the part of the international community to address refugee challenges, including through engagement of a wider range of States and stakeholders to broaden the base of support;
- stronger and more predictable humanitarian and development responses that facilitate complementarity between humanitarian assistance and development cooperation;

- increased investments in building human capital and resilience for host communities and refugees, including through education, livelihoods, and health care, pending the realization of durable solutions; and
- a strengthened focus on addressing root causes and planning for durable solutions from the outset of emergencies.

THE IMPORTANCE OF LOCAL FAITH COMMUNITIES IN REFUGEE RESPONSE

Islamic Relief strongly welcomes the inclusion of faith-based organisations in the Global Compact on Refugees, the second draft of which states:

Faith-based actors could play an important role in the planning and delivery of arrangements to support refugees and host communities, including in the areas of conflict prevention, reconciliation and peacebuilding. They could also support private sponsorship programmes or complementary pathways for admission to third countries.

Islamic Relief believes that greater efforts are needed to increase inclusion of faith-based actors at local, national and international levels in the joint planning and delivery of protection and assistance for refugees and support to host communities. This should involve the areas of conflict prevention, reconciliation, peacebuilding, and private sponsorship programmes or other pathways. Local faith-based actors can play critical roles in all aspects of refugee response, from providing access to services, to tackling racism, to promoting durable solutions such as peacebuilding. To understand how equitable partnerships can be devised with local faith actors, more is needed to map, understand and include local communities.

Resources for refugee response are increasingly being squeezed as the number of displaced people around the world grows. Yet within local communities there is already a wealth of diverse human, cultural (including spiritual) and social capital that supports refugees through providing food, shelter, and protection. Working with local faith actors leads to a more coherent, joined up and efficient response that is of direct benefit to refugees.

Local communities, including local faith communities, take on much of the responsibility sharing in refugee response. However they

are not always familiar with the ways in which mainstream humanitarian agencies work and often work in parallel to other actors with little coordination. They are often distrusted by secular actors and in turn alienate them.

Even though many mainstream humanitarian agencies accept that local faith communities are important stakeholders and providers of assistance to refugees, there is usually no time within an unfolding humanitarian crisis for agencies to break down the barriers to their inclusion and partnership within programmes. Therefore we recommend long term work is needed to ensure they are trained and enabled to work in partnership with international aid actors. This will ensure response is both timely, localised and sustainable.

See Annex 2 for detailed recommendations made by faith based aid agencies in April 2018 as part of the JLI (Joint Learning Initiative on Faith and Local Communities) consultations on the GCR.

COMMITMENTS FROM ISLAMIC TEACHING: THE MORAL CASE FOR ACTION

Islamic history and theology have a rich tradition of protection for forced migrants. Forced migration often played a pivotal role in the lives of Islam's great Prophets – from Prophet Ibrahim's (PBUH) migration to Canaan (Q29:26), to Prophet Musa's (PBUH) migration to Midian (Q28:20-28). For many Muslims, the most familiar stories of migration within Islamic history are those undertaken by the Prophet Muhammad (PBUH) and his early followers – first to Abyssinia, and later to the city of Madina – to escape the brutal persecution of the ruling Qur'aysh tribe in their native city of Makkah.

The Qur'an and teachings of the Prophet Muhammad (known as the hadith) are replete with guidance as to the rights and obligations of both forced migrants and their hosts. Together, they provide a robust and generous framework of principles for how migrants should be protected and provided for.

Islamic traditions cannot always be neatly equated with modern protection mechanisms for forced migrants. For example, within the Islamic framework there is no differentiation between refugees, internally displaced persons and asylum seekers as there is in secular law. The first Muslims who migrated to Madinah with the Prophet Muhammad (PBUH) were simply known as the muhajirun – the emigrants. Moreover, the Qur'an emphasises the duty of those suffering oppression to seek refuge, asking '[is] God's earth not spacious enough for you to migrate to some other place?' (Q4:97). Forced migrants, in the Islamic traditions, are not perceived as helpless victims of circumstance or charity, but rather people who have taken an active choice to obey the command of God – to preserve their life and dignity.

In exchange for following this command of God to escape oppression, God promises that 'anyone who migrates for God's cause will find many a refuge and a great plenty in the earth' (Q4:97-99).

This is a clear reminder that obtaining refuge is a right conferred onto migrants by God Himself, and one that Muslims have a duty to fulfil. This protection should extend to both Muslims and non-Muslims, with God commanding that if a non-Muslim seeks protection, a Muslim should 'grant it to him...then take him to a place safe for him' (Q9:6). There are only a few, specific conditions under which a person may not be granted asylum.

Unlike current international legal frameworks, which place the responsibility for providing asylum on governments, the Islamic framework allows for asylum to be granted by individuals to small groups of migrants. Some scholars even argue that it is an obligation on individual Muslims living in an Islamic country to provide asylum to those who need it (Munir 2011:2, Elmadmad 2008:54).

Once given, this protection is binding, with the Prophet Muhammad (PBUH) stating that 'the asylum (of protection) granted by any Muslim is to be secured (respected) by all other Muslims; and whoever betrays a Muslim in this respect incurs the curse of God, the angels and the people' (Hadith Bukhari). It is forbidden to return a migrant to their country of origin against their will, or to allow any harm, injustice or oppression to be inflicted on them whilst under protection.

Within the Islamic framework, once a migrant has been given protection, they should be entitled to all the same rights granted to other citizens. This principle is drawn from the example of the Constitution of Madinah, established when the Prophet Muhammad (PBUH) and his followers migrated to Madinah, and which promised equal protections for all citizens of Madinah – be they migrants or indigenous, Muslims or non-Muslims (Ramadan 2007:88).

Forced migrants have the right to lead a dignified life – meaning that their life, religion, intellect, wealth and posterity (i.e. family) should all be protected (Aminu-Kano, 2014). Under these principles, forced migrants should enjoy the right to access healthcare, own property, conduct

business, pursue education, marry and have children, and to be reunited with their own displaced family.

The Prophet Muhammad's migration to Madinah is often cited as exemplary, for the way in which migrants were welcomed into the community and their dignity protected. The Prophet famously established a unique system of protection, wherein each local Madinan family would take responsibility for one migrant family, sharing with them their home, food, wealth and tribal protection. God frequently praises those who 'show love to those who migrated to them' and 'give [the migrants] preference over themselves' (Q59:9).

Alongside this, the Prophet encouraged the migrants to utilise their own experience in trade to build their own wealth, to foster a sense of self-reliance and to ensure the migrants would not become an unsustainable burden on their hosts. For those who were unable to provide for themselves, the Islamic zakat system (a type of charitable tax) ensured that all travellers would have their essential needs met.

Throughout the Islamic tradition, principles of non-discrimination, freedom of religion and protection for the most vulnerable members of society are strongly emphasised. God reminds us that 'there is no compulsion in religion' (Q2:256), while the Prophet (PBUH) taught in his final sermon that 'no Arab is better than a non-Arab', and there are various commands within the Qur'an to protect the needs of vulnerable members of society – be they the elderly, orphans, children, the sick, widows, or mothers.

There is less explicit guidance on how long protection can last – whether it is temporary or permanent, and what the sustainable solutions may be. Scholars generally agree that whether a migrant chooses to stay with their host communities, or return to their country of origin, they must not suffer any oppression, harm, injustice or fear. Even in the case where protection must be ended (for example, if a migrant threatens the security of the state), it is not

permissible to end protection suddenly – rather the migrant should be given appropriate warning, a clear explanation as to why their protection has ceased, and should – after a period of time – be removed to a place where he feels safe.



Case Studies from Islamic Relief's work

These case studies focus on seven key policy areas highlighted in the Global Compact on Refugees, on all of which Islamic Relief has major programmes with refugees. These seven areas are critical for the international community to address.



MORE SUPPORT TO ADDRESS SEXUAL AND GENDER-BASED VIOLENCE: IRAQ CASE STUDY

Displacement crises threaten the most basic rights of individuals and communities, including their safety, health and well-being; in such emergencies women and girls are put further at risk of Sexual and Gender-Based Violence (SGBV). In many refugee situations there is a clear need for states and the international community to take stronger measures to respond to and prevent SGBV, including by providing counselling and medical assistance.

Islamic Relief's work

Islamic Relief provides support to SGBV survivors in various countries and is mainstreaming gender and child protection within all its programmes. Iraq hosts over 3 million internally-displaced people and over a quarter of a million Syrian refugees. Sadly SGBV is a widespread and alarming phenomena of the Iraq crisis; sexual violence predominantly affects women and girls of specific ethnic and religious minority groups and can involve rape and sexual assault. Local and national surveys indicate that violence against women and girls often relates to long-standing cultural practices and can include beatings, burns, female genital cutting, forced and early marriage, and emotional, psychological and physical violence including honour crimes. Many of these crimes are often met with impunity, partly due to discriminatory provisions in the law, partly due to violence in the family going unreported.

Islamic Relief's work in Iraq focuses on providing SGBV referral and follow-up services and community awareness-raising on the detrimental impacts of SGBV on families and communities, including child and forced marriage, domestic violence, honor killings and temporary marriages. The programme also provides sexual and reproductive health services. Other activities include establishing services and workshops within community centres to provide, both for men as well as women, support to tackle social,


household and legal issues, and women's rights, related to SGBV. These interventions take on particular importance in a situation where SGBV services in Iraq, including in the refugee camps, are heavily under-funded and thus there are few services available for women and girls.

One 13 year old girl, an orphan from Salah Al Deen governorate with three sisters, is a survivor of sexual harassment in a camp in Kirkuk. 'When ISIS entered Salah Al Deen, we suffered oppression and poverty for three years', she says. In March 2018, she was moved to another camp since she had relatives there. One evening, when she arrived at the camp toilet, a man was waiting who surprised her by grabbing her hand and started touching her body. She tried to escape from him and began screaming until her sister arrived at the scene which forced the perpetrator to leave. The following day, she visited the women's support centre in the camp, which is managed by Islamic Relief, and which provides psychological support sessions and psychological first aid through assigned Social Workers. Since then, the survivor has been seen by the Social Worker every day.

How should the Global Compact be implemented?

Adequately-funded SGBV services and prevention programmes need to be key aspects of global responses to refugee crises and emergencies, including protracted situations. Care should be taken to ensure faith actors and faith sensitivity are included to ensure messaging resonates with participants beliefs in addressing trauma and root causes of abusive behavior and. Funding to this area needs to be substantially increased and states must recognise that responding to SGBV should be an integral part of refugee protection, not an optional add-on. The Global Compact process needs to ensure that states commit to adequately addressing this issue.





MORE FOCUS ON PSYCHO-SOCIAL SUPPORT: LEBANON CASE STUDY

Refugees fleeing conflict often desperately need psycho-social support to cope with trauma. Countries need to ensure resources are allocated to this and that there is sufficient expertise and healthcare workers available.

Islamic Relief's work

In the case of Syrians who have fled the war with their families to Lebanon, many have witnessed horrific scenes of violence in their home country. Some children have seen classmates and teachers killed in front of their eyes. These experiences are often compounded by the daily stress of displacement, including poverty, lack of services, problematic legal status, ongoing risks of violence and exploitation, isolation and discrimination, and uncertainty about the future. Many Syrian children now in Lebanon have psychological symptoms such as withdrawal, anxiety, fear, anger, sadness, restlessness, and aggression. They often experience sleeplessness, shock, nightmares, and hyperactivity. The prolonged displacement is severely impacting the psycho-social well-being, education, development and health of children.

Islamic Relief teams on the ground note that the number of children requiring support is increasing whilst parents also affected by the Syrian conflict are finding it difficult to support their children and seek the support they themselves need. The biggest gap currently facing the Syrian children in schools and educational centres is the lack of appropriate psycho-social support activities.

Islamic Relief has various programmes supporting over 1,500 Syrian child refugees, some of whom are orphans, to access psycho-social support in non-formal centres. IR provides these centres with the educational equipment and materials needed, along with key services. Activities include mental health assessments and training of volunteer 'activators' (teachers and

counsellors) on how to deal with traumatised cases and issues related to mental health, displacement and conflict. The children are supported in undertaking activities such as art, drama, sports and music therapy – all key to better socialisation and learning. Islamic Relief also supports adult Syrian refugees with psycho-social counselling.

One Syrian child participating in Islamic Relief's psycho-social programmes in Lebanon is seven year old Mohammad who lost relatives in the war. As his family were preparing for Ramadan they heard a shattering noise created by a rocket that exploded within a kilometre of their home. The family was terrified and escaped to Lebanon, where they have lived since 2012 on the aid of NGOs. Mohammed declared 'I wish I could have safe place so I can play with my friends every day.'

Y.A, a 22 year-old married woman with two sons who fled Syria endured psychological trauma as a result of the displacement, economic and social difficulties and stress. She witnessed severe conflict in Syria and had excessive fear and flashbacks of the violence she experienced. She then became very aggressive and used to hit her children for small misbehaviours, which badly affected her relations with the extended family. Psychotherapy sessions supported by Islamic Relief, which show good progress, have focused on communication skills, parenting skills, orientation, relaxation exercises, motivation and addressing of distorted thoughts and negative emotions.

How should the Global Compact be implemented?

The Global Compact should ensure that there is a stronger focus on the provision of psycho-social support services for refugees. Governments must commit to providing and/or facilitating many more psycho-social services.

The Global Compact should also recommend further strengthening partnerships with local faith communities and places of worship where

refugees often seek solace, protection and comfort. Many of these communities are alienated from the mainstream humanitarian community which fails to leverage the enormous potential that faith communities can have in mobilising host communities to provide protection and practical support.



THE NEED FOR INCREASED FUNDING: GAZA CASE STUDY

Increases in global funding for refugee protection are clearly needed. Many UN humanitarian appeals are grossly under-funded, leaving desperate people with few services or access to basic needs. If more funds for crises and protracted situations are not made available, it is hard to see how the Global Compact will make much difference.

The problem of under-funding

Numerous UN humanitarian appeals go substantially under-funded as world governments fail to produce the necessary resources to assist people in need. A clear example is the annual UN appeal for the Occupied Palestinian Territories. In 2017, this was only 47% funded and in 2016 just 50% funded, compared to the total need assessed by the UN. This meant that in 2017, \$293 million called for by the UN to support critical areas such as health, education, nutrition and protection never arrived.

Islamic Relief's work

Islamic Relief's humanitarian work in the Gaza Strip is focused on addressing a number of critical humanitarian gaps, including for refugees and displaced households, and improving the living conditions of marginalised households. This includes supporting kindergartens and service providers for children with disabilities, and renovating schools. Some 187 government schools were damaged in the 2014 conflict, 23 severely, with costs estimated at \$33 million. Islamic Relief has since then rehabilitated, furnished and equipped 18 damaged public schools and 60 kindergartens in Gaza, allowing students to safely return. This has included restoring classrooms, toilets, sports facilities, playgrounds and green areas.

Islamic Relief has also been promoting a social safety net programme, providing essentials to some of the most vulnerable families. The task is critical given the impact on poverty, food insecurity and unemployment of the Israeli blockade imposed on Gaza. Items such as food,

school uniforms and stationary kits, medicines, furniture and nappies for infants are distributed under this programme, focused on those most in need.

One person supported by Islamic Relief in Gaza is Dalia (not her real name) who lives with her six children in a small, dilapidated house in the centre of Gaza city. She spends her time thinking about ways to provide the basic needs of her family. Dalia is the only breadwinner for her family since her husband suffers from diseases which make him unable to work. Dalia also suffers from a fracture in her leg which also prevents her from working. She says:

'Our living condition is extremely difficult; I feel despair when one of my children asks me to bring food or clothes but in vain. We do not have enough amount of food because sometimes I sell some to pay the rent of my house. When one of my children asks me to bring specific sort of food, I cannot because we do not have a refrigerator to save food'.

Under its social safety net programme, Islamic Relief provided the family with vouchers to buy food together with an oven and refrigerator, among other items. Dalia's family is one of thousands Palestinian families who otherwise lack the most basic necessities of life due to the difficult economic situation in Gaza.

How should the Global Compact be implemented?

The Compact must result in increased global funding for refugee protection and basic needs. States, especially wealthy countries, need to re-commit to providing adequate funding for refugee emergencies and ensure they pay their fair share. The international community must move away from a purely ad hoc funding response to crises – based on only interested states making contributions - towards more predictable, multi-year funding mechanisms that oblige states to contribute. A particular focus should be on supporting local groups on the ground. Funding must also be allocated to preventing the outbreak of crises, such as through better addressing the economic and political root causes of conflicts.



INCREASE RESETTLEMENT: CANADA CASE STUDY

Allowing more refugees to settle in third countries will be a crucial aspect of global protection in the coming years. There is a need to increase the scope, size, and quality of, resettlement programmes in many countries while other countries need to be encouraged to participate in global resettlement efforts.

Islamic Relief's work

Faith communities can be critical to ensuring good quality resettlement programmes for refugees. Canada is expecting to resettle 25,000 refugees from Syria. While Islamic Relief has been on the ground in Syria since 2011, our branch in Canada, the largest Muslim international development charity in the country, is also providing domestic assistance to incoming refugees in Canada. Our Refugee Resettlement Campaign, launched in 2015, supports community and settlement organisations across Canada to help refugees and has mobilized over 300 volunteers to secure services such as transportation, translation, housing, and employment. The programme has supported the arrival of over 500 Syrian refugee families.

The programme began with a needs assessment which highlighted diverse needs among both newcomers who require assistance and settlement agencies who are providing resources. Psycho-social support, translation services and housing support were some of the key issues identified. Due to the high volume of refugees, many community organisations across Canada have been struggling to respond, hence Islamic Relief decided to shift its focus from coordinating resettlement activities to supporting grassroots organisations offering care to refugees.

Numerous organisations have reached out to Islamic Relief seeking support for their resettlement activities such as sponsoring refugees to study, holding workshops for trauma recovery in Arabic in local masjids and hiring a settlement caseworker to serve newcomers requiring assistance with food, employment, and housing.

In addition to financial support, Islamic Relief Canada has organised 'Welcome Boxes' to provide refugees with essential items and a list of resources available in English and Arabic to assist with their transition to their new neighbourhood. Key also has been the provision of regular activities for refugee children who display clear signs of trauma and aggression but whose needs can be easily sidelined when families have to address the pressing need to find housing and survive in a new situation.

In collaboration with the Islamic Centre of Oshawa, located near Toronto, Islamic Relief Canada undertook an initiative of sponsoring a Syrian refugee family to resettle in Canada. In August 2016, the Hammad family arrived in Canada to begin their new life in Oshawa, consisting of parents, Mohammad and Ola Safady, and daughters, Sidra and Layan. The children were immediately registered in school while the parents both registered in English classes. Islamic Relief helped with the paperwork and secured a rental apartment for the family close to relatives in Oshawa. Mohammad has since graduated from the English programme, passed the entrance programme to enroll in a community college and is on his way to completing a Pharmacy Assistant programme. The funds provided by Islamic Relief were used exclusively to meet the needs of the family in their first year of life in Canada. The family has since become independent and no longer requires financial and social support.

How should the Global Compact be implemented?

States around the world need to re-commit to resettling larger numbers of refugees and the Global Compact process should be pressing governments to make such commitments. But in addition, the quality of such resettlement programmes needs to improve in many countries. Often, more funds need to be allocated for refugee resettlement programmes. In many cases, legal processes need to be made simpler and more accessible to refugees. Also crucially, access to work and registration to access public services also needs to be enhanced and simplified.



PROVIDE HIGH QUALITY EDUCATION: KENYA CASE STUDY

Providing education for refugee children, alongside improved educational provision for children in host communities, must be an essential aspect of the world's response to large-scale refugee movement now and in the coming years. States and the international community must help to expand resources and expertise to enable national education systems to grant access to all refugee and host community children and youth.

Islamic Relief's work

Islamic Relief worked to provide education for refugee children in the Dadaab refugee camp complex in Kenya from 2012 to 2017. Dadaab still houses over 226,000 registered refugees (April 2018), mainly fleeing the war, drought and famine in neighbouring Somalia. As sub-camps within the Dadaab complex close, the UNHCR is making efforts to secure support for transforming the infrastructure that has developed into a polytechnic to provide a broad range of vocational skills training and a training centre for healthcare specialists.

Providing education to children has been a major challenge: over 70,000 are enrolled in school in the camps. But many children are not enrolled or drop out, the pupil/teacher ratio is high and often the quality of school infrastructure, teaching materials and teaching is low.

Islamic Relief managed 18 primary schools hosting over 50,000 at the camp complex and sought to improve access to education, improve the quality of education that children receive and maximise their learning achievements. Activities included training over 100 teachers to strengthen their capacity to deliver new pedagogical approaches, renovating over 30 school class rooms and facilities, providing educational materials and administration supplies, including examination materials reaching over 30,000 students, providing a school meals programme and building the capacity of over 36 Parent Teacher Associations to ensure better school management.

Girls' education is a particular challenge in the schools. The project helped over 2,500 girls in particular by procuring sanitary pads for them and enlisting support from nurses to educate the girls on human growth and development and personal hygiene. Results show that this increased girls' attendance at school. Evidence from community dialogue meetings also shows that many parents are changing their perception of girls' education and supporting their daughters with continuing schooling.

Halima Boule Hassan came to Dadaab from Kismayo in Somalia at the age of six in 1991 with her mother and five siblings after their father was killed in Somalia's long-running conflict. Back home the family were farmers, growing vegetables and maize, and now Halima runs a small shop in one of the Dadaab camps. She grew up in Dadaab, received some basic education there, married a fellow refugee and is now a widow at just 33, bringing up two children of her own.

Her son Mohammad (9) and daughter Faizza (11) are both going to school, supported by Islamic Relief Kenya's orphan sponsorship programme. Faizza loves skipping, her favourite subject is mathematics, and she wants to study to become a doctor.

"We were in a very bad situation but now things are much better," says Halima. "Before I didn't even have a change of clothes and we lived in a tent. Now I have a more permanent home and I'm able to buy clothes and look after the children."

"When I came here there was a school but I dropped out at grade three because I was supporting my mother and the rest of the family. Health facilities and education at Dadaab have improved since then. But the situation in Somalia has not improved much so I would like us to be permanently resettled."

How should the Global Compact be implemented?

While the international community has made efforts to provide education for refugee children in recent years, much more needs to be done to provide a quality education for all those who need it. Over 75 million children aged 3-18 are currently in need of educational support in 35 crisis-affected countries, but only 2% of humanitarian funding goes to education.

The Global Compact process must result in increased financing for education and all states should contribute to ensuring this. It should also include targets for achieving educational outcomes and for ensuring that children are not just in school but receiving a quality education with good teaching, good school infrastructure and good learning outcomes. Greater, specific focus must be placed on girls' education since it is often girls who drop out of school or who receive a lesser quality education.

IMPROVE ACCESS TO SERVICES: TUNISIA CASE STUDY

Many countries around the world discriminate heavily in their national legislation against refugees and asylum seekers in terms of allowing them access to basic services such as health, education or employment – a major problem needing to be addressed. States must adapt and revise their national legal and administrative frameworks to allow equal enjoyment of rights and services.

Islamic Relief's work

Access to services is a key issue for Libyan refugees in Tunisia, thousands of whom have fled the war in the home country and found refuge in the southern and northern parts of Tunisia. Their living conditions are extremely precarious due to insufficient food, limited access to protection, health and education services. Moreover, Tunisian legislation does not guarantee fulfilment of the rights of refugees and asylum seekers. They are granted neither residency, nor the right to work legally in Tunisia, nor access to the public health sector, being obliged to seek services within the more costly private sector.

Islamic Relief has since 2011 been running projects to support Libyan refugees, the most vulnerable migrants and asylum seekers through providing access to community services (health and education), an improved protection environment, counselling, and psychosocial support. Often working as a partner of UNHCR and working through a local NGO, Islamic Relief has helped train 115 public health staff on migrants' rights to health and provided preventive and curative medical assistance to the most vulnerable. Islamic relief also undertakes networking and advocacy with the Ministries of Health and Social Affairs to improve migrants' access to basic health services. Some 21,900 people have benefitted from these and other interventions. Several hundred Libyan refugees have also benefited from psychosocial support provided by the project. They are able to explain their problems and to be listened to and advised by specialists. The project also raises public awareness of the rights of migrants by training

media and civil society organisations, radio productions and distributing materials. The importance of peaceful coexistence between the refugee and host communities also underpin Islamic Relief's programming in Tunisia.

Ibtissem fled the conflict in Libya with her two children and was faced with having no home, no income and no possessions. She shed tears when asked whether she would want to return: while Libya was her home, she doesn't know if she can go back after experiencing the tragic events and losses there. Ibtissem's family has been provided with medical assistance while both her children are now attending school in Hammamet. Her daughter has received psychological support and has legal guidance for accessing residency.

Mahmon, just 18 months old, was suffering from fever and skin infections because of insects living in his new home in Libya. Because of poverty, his parents cannot afford a decent house and medicines are very expensive. Mahmon's father lost a job and house after fleeing to Tunisia from Libya and managed to survive with the resources he brought with him until they were all spent. Now, without a job and relying on borrowing from neighbours to survive, it is extremely hard to provide the medicines to his son. As Mahmon's was deteriorating, interventions supported by Islamic Relief enabled him to be seen by a specialist and to receive medicines and medical attention.

How should the Global Compact be implemented?

Governments around the world should protect, promote and fulfil refugee rights, including through national laws, and enable refugees to access services and employment. States must also improve registration processes. Increased funding to host governments from the international community is often also needed to encourage governments to move in this direction. A lack of political will, and hostile attitudes in the host country, often lie at the root of these problems.



COMBAT XENOPHOBIA: SOUTH AFRICA CASE STUDY

Combatting xenophobia and prejudice against refugees will, in some countries at least, be essential to ensuring that the rights of refugees and their adequate access to services, jobs and homes is guaranteed. Some states must take greater measures to improve integration and inclusion.

Islamic Relief's work

South Africa has witnessed widespread xenophobia towards foreign nationals which has sometimes escalated into violence, the worst case being in May 2008, when country-wide violence resulted in 62 foreign nationals being killed. The reasons for the attacks were varied but centred on what appear to be the resentment on the part of nationals who falsely perceive migrants as taking available jobs. This took place against the backdrop of a worsening economic situation and rising unemployment. Islamic Relief responded to the 2008 violence by providing emergency assistance in the form of shelter, food, clothes to those displaced.

Islamic Relief South Africa, with its partner the Muslim Refugee Association of South Africa (MRASA), now addresses xenophobia and peace building amongst refugees and settled communities in South Africa through undertaking inter-cultural dialogues on social cohesion, training on human trafficking awareness, workshops on labour exploitation and gender based violence and by educating local Muslims on their responsibilities towards migrants. One key objective is to raise community awareness of the detrimental impacts of xenophobia on families and communities, including on domestic violence.

The programme also promotes a community centre that provides sexual and reproductive health services and a forum for men and women to discuss and tackle social, household and legal issues, and women's rights, related to gender based violence. MRASA also manages a website to raise awareness, produces booklets and posters, educates people on their rights

under South Africa's Constitution and overall seeks to ensure that xenophobia is prevented from recurring in communities.

'South Africans must find a dignified way forward to converse with one another on the difficult and emotional topics, and to do so without losing ourselves through anger, prejudice, and emotional outburst. Such attitudes bring misery rather than hope for a shared society of people seeking to live in peace, harmony and as neighbours. It is a religious calling for all of us, irrespective of our varied and diverse faith traditions, to respect, honour, and protect our fellow human beings, and to live as neighbours with goodwill towards one another.'

MRASA Executive Director, Wagogo Ramadhan

How should the Global Compact be implemented?

Signatories to the Global Compact should raise awareness, globally, of states' legal obligations to uphold the rights of refugees. The international community should also censure those governments that allow xenophobic tendencies to develop in their countries. National governments must adopt a zero tolerance approach to xenophobia against refugees, ensure that xenophobic expressions are not met with impunity, offer support for people and communities who are subject to racial or religious abuse or discrimination and establish mechanisms to deal with xenophobia as early as possible. Governments should also realise the importance of grassroots community organisations, including faith groups, in bringing people together and countering xenophobia.

RECOMMENDATIONS

The international community must ensure that the Global Compact process results in:

- **Increased global funding** for refugee protection and basic needs, with states, especially wealthy countries, re-committing to providing adequate funding for refugee emergencies and ensure they pay their fair share.
- Governments around the world enacting **legislation to uphold refugee rights, including rights** to registration, and enabling refugees to access services and employment
- A re-commitment on the part of states to **resettle larger numbers of refugees** in their countries.
- **Combating xenophobia** wherever it occurs and fostering positive and mutually beneficial relationships between refugee and host communities
- Greater efforts to ensure that a **high quality education is provided** for every refugee child
- **Adequately-funded sexual and gender-based violence (SGBV) services** and prevention programmes, as key aspects of global responses to refugee crises and protracted situations.
- A stronger focus on the provision of **psycho-social support services** for refugees.
- **Faith-based actors at local, national and international levels being actively involved in the joint planning and delivery of protection and assistance** for refugees and support to host communities, including in the areas of conflict prevention, reconciliation and peacebuilding, and private sponsorship programmes or other pathways.



ANNEX

Annex 1 – Acknowledging and supporting the contribution of local faith communities in refugee response.

Joint Recommendations of faith based agencies to UNHCR JIIFLC May 2018

“Faith-based actors at local, national and international levels should be considered in the joint planning and delivery of protection and assistance for refugees and support to host communities, including in the areas of conflict prevention, reconciliation and peacebuilding, and private sponsorship programmes or other pathways.” Recommendation of faith based agencies within the Joint Learning Initiative on Faith and Local Communities

Resources for refugee response are increasingly squeezed as the number of displaced people around the world grows. Yet within local communities there is already a wealth of diverse human, cultural, spiritual and social capital that support refugees through efforts that include provision of food, shelter and protection.

When working with faith communities for refugee response, Islamic Relief and its partners build on existing local infrastructure and capital that would be near impossible to recreate. Working with local faith actors leads to a more coherent, joined up and efficient response that is of direct benefit to refugees. Islamic Relief is pleased that the Global Compact on Refugees calls for a “multi-stakeholder approach,” identifying faith-based organisations as part of that stakeholder group. Para 41 of the second draft of the Global Compact on Refugees states that:

“Faith-based organisations could play a crucial role in developing arrangements to maximise support to refugees and host communities, including in the areas of conflict prevention, reconciliation and peacebuilding. They could also support private sponsorship programmes or other pathways for admission to third countries.”

Islamic Relief welcomes the inclusion of faith-based organizations in the multi-stakeholder approach. We want to underline the ways in which a diversity of faith-based organisations play crucial roles in maximising support to refugees and host communities in more ways than conflict prevention, reconciliation, peacebuilding and private sponsorship pathways alone. We also call for a recognition of the role that local and national faith actors (not just international) can play in coordination and planning, as well as a need to address barriers that have prevented more of this previously.

Mechanisms for responsibility sharing – comprehensive and coordinated response

- 1. Local faith actors are important civil society stakeholders.** Local communities, including local faith communities, take on much of the shared responsibility in refugee response. To understand how equitable partnerships can be devised with local faith actors, more work is needed to map, understand and include local communities. This is a question of leveraging, supporting and valuing local human, cultural and social capital. Islamic Relief welcomes the recognition of local actors in the compact. We reiterate that local actors should include local faith actors in local service delivery and as development partners.
- 2. Representation within the proposed Global Support Platform.** We suggest that the proposed Support Platform should have the character of a standing arrangement, enabling it to underpin the effective and sustainable pursuit of refugee protection and support. The platform could be used as a tool to ensure dedicated representation for participation of other stakeholders, including civil society and local and national faith actors, in order to adequately reflect the spirit of the whole-of-society approach characterising the GCR and CRRF as a whole.
- 3. Financial inclusion: the impact of bank de-risking on money transfers for refugee protection.** The Countering Violent Extremism (CVE) agenda has driven a wave of regulation

in the financial sector that threatens banks and money transfer agencies with severe fines for transferring money to rogue states, terrorists and other proscribed groups. A number of banks have responded by 'de-risking' their portfolios to reduce the likelihood of such fines, and Muslim faith-based aid agencies operating in conflict zones are among those denied access to banking services or facing severe restrictions on money transfers as a consequence. Banks and other financial institutions need to be brought more overtly into the multi-lateral planning for refugee protection to facilitate financial inclusion for refugees, particularly female-headed households and other vulnerable and marginalised groups.

4. **Increasing equitable partnerships.** The potential to develop strong partnerships with local faith actors has previously been undermined by the reality or the fear of lack of capacity, lack of compliance with international standards, and proselytisation. To break down such barriers, state actors and relevant agencies need to invest in strengthening capacity, working with mediating organisations, mapping local actors, and familiarising staff and decision makers with local faith community structures.
5. **Acknowledge efforts made to support the generation and dissemination of evidence.** Islamic Relief wants to see systematic research to develop and support validated ways of working with local faith actors that are generalisable and replicable.

Reception and Admission

6. **Preparedness.** In recognition of the evidence around the contribution of local faith communities as immediate responders to refugee crises, Islamic Relief believes there is a real need for capacity building at the local level to ensure that local authorities and local faith actors are better prepared to meet the needs of refugees.
7. **Coordination.** Arrangements for coordinated response in reception and admission must work to include local faith actors, as duplication and parallel systems will otherwise occur.

8. **Tackling racism and freedom of religion.** The last three years have seen an unprecedented increase in prejudice against refugees based on their religious and ethnic backgrounds, including from some of the more developed states in Europe and North America that have previously been proponents of freedom of religion and anti-racism. Refugees should not be discriminated against based on race or religion, and we urge UN member states to renew their commitment to these basic rights to equal treatment.
9. **Security.** We are pleased to see attention is drawn to the need for improved guidance and support for capacity for state services screening refugees, but we would recommend providing specialist training as part of improved guidance and support for the relevant authorities, particularly on the importance of non-discriminatory practices.

Meeting Needs and Supporting Communities

10. **Gender and inclusion.** We recognise attempts to address gender inequality, inclusion of disabled and elderly people, SGBV and denial of rights in the compact. Where appropriate this must be in partnership with faith actors and in faith literate ways to ensure acceptance and sustainable change. There must be acknowledgement that gender includes men and boys, as well as women and girls, in recognition of the pressures and challenges that men also face in refugee settings. Efforts should be made to ensure representation and leadership from women as well as men in faith actor partnerships.
11. **Psychosocial and spiritual support.** Refugees turn to medical, psychological and spiritual resources for healing following traumatic experiences. People frequently turn to their religious leaders for this type of support, and yet there is a tendency in psychosocial response to adopt a restrictively secular approach. Increasing evidence is emerging to show how secular psychology and provision of support within the Mental Health and Psychosocial Support (MHPSS) spectrum of activities can work alongside or...

be delivered through the contribution of local faith communities and places of worship, including spiritual counselling for refugees when they require closure from a spiritual perspective. We encourage the inclusion of other relevant stakeholders alongside healthcare workers, such as local faith and community-based actors (including women).

12. Access to services. Islamic Relief welcomes the reference to the inclusion of local service providers in the compact. In many countries local faith communities are well placed to provide a substantial proportion of local services, including schools and health centres. Especially where the state and other local civil society provision is inadequate to meet the needs of refugees, UNHCR should seek to integrate local faith actors as partners and address barriers to mainstreaming this provision in order to avoid parallel systems.

Durable Solutions

13. Peacebuilding and development efforts for repatriation. Faith communities, particularly in interfaith initiatives, can be instrumental in addressing reconciliation and healing following conflict. We therefore feel that their expertise and potential within countries of origin to address root causes of conflict and displacement and to remove obstacles to return should be developed and harnessed alongside other actors to enable conditions favourable to voluntary repatriation.

14. Quality of resettlement. Faith-based organisations have played a significant role in receiving and supporting resettled refugees. Arrangements for resettlement should recognise the role that faith actors have played in resettlement and in encouraging a tolerant and accepting environment for incoming refugees, and should therefore specifically include them in the list of stakeholders for planning purposes.

15. Local integration. This usually involves tackling xenophobia and racism as well as public fears in addition to supporting refugees and welcoming them into local community structures. Local faith communities should be

recognised within host communities and in local response frameworks for what they can contribute on this front.

16. Follow-up arrangements. In relation to agreeing indicators, we would like to stress the importance of inclusion of faith and other community-based actors in both the development and implementation of these indicators.



Annex 2 - Key definitions and terms

Asylum seeker - A person who seeks safety from persecution or serious harm in a country other than his or her own and awaits a decision on the application for refugee status under relevant international and national instruments. In case of a negative decision, the person must leave the country and may be expelled, as may any non-national in an irregular or unlawful situation, unless permission to stay is provided on humanitarian or other related grounds.

Forced migration - A migratory movement in which an element of coercion exists, including threats to life and livelihood, whether arising from natural or man-made causes (e.g. movements of refugees and internally displaced persons as well as people displaced by natural or environmental disasters, chemical or nuclear disasters, famine, or development projects). 'Forced migration' is not a legal concept, and similar to the concept of 'migration', there is no universally accepted definition. Refugees, on the other hand, are clearly defined under international and regional refugee law, and states have agreed to a well-defined and specific set of legal obligations towards them. UNHCR notes that 'Referring to refugees as "forced migrants" shifts attention away from the specific needs of refugees and from the legal obligations the international community has agreed upon to address them'.

Increasingly, people are being forced from their homes due to climate change: an average of 22.5 million people around the world have been displaced by climate- or weather-related events since 2008. This number is likely to swell in the coming decades but there is little legal protection for climate displacees within refugee law.

Internally Displaced Person (IDP) - Persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or natural/ human-made disasters, and who have not crossed an internationally recognised State border.

Sometimes referred to as 'internal refugees', IDPs are in similar need of protection and assistance as refugees but do not have the same legal and institutional support as those who have managed to cross an international border. There is no specifically-mandated body to provide assistance to IDPs, as there is with refugees. Although they are guaranteed certain basic rights under international humanitarian law (the Geneva Conventions), ensuring these rights are secured is often the responsibility of authorities which were responsible for their displacement in the first place, or ones that are unable or unwilling to do so. The Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), which entered into force in December 2012, is the first international treaty to address the matter of protection and assistance for IDPs. The UN has also developed guidelines on displacement, which are for reference and are non-binding as they are not a treaty, but still contain all the relevant provisions that can be applied to IDPs from an international human rights and humanitarian law point of view.

Countries in the Americas and Africa experiencing large-scale displacement as the result of armed conflicts found that the 1951 Convention definition did not go far enough in addressing the protection needs of their populations. Consequently, both Article 3 of the Cartagena Declaration and Article 1(2) of the 1969 OAU Convention extend refugee status to an individual who "owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality." The African Union is unique in having a convention that specifically addresses the protection needs of IDPs (African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa). UNHCR also provides protection to IDPs and stateless individuals in addition to 1951 Convention refugees.

Irregular migration - Movement that takes place outside the regulatory norms of the sending, transit and receiving countries.

There is no clear or universally accepted definition of irregular migration. From the perspective of destination countries it is entry, stay or work in a country without the necessary authorization or documents required under immigration regulations. From the perspective of the sending country, the irregularity is for example seen in cases in which a person crosses an international boundary without a valid passport or travel document or does not fulfil the administrative requirements for leaving the country. There is, however, a tendency to restrict the use of the term “illegal migration” to cases of smuggling of migrants and trafficking in persons.

Migrant – The IOM defines a migrant as any person who is moving or has moved across an international border or within a State away from his/her habitual place of residence, regardless of (1) the person’s legal status; (2) whether the movement is voluntary or involuntary; (3) what the causes for the movement are; or (4) what the length of the stay is. IOM concerns itself with migrants and migration-related issues and, in agreement with relevant States, with migrants who are in need of international migration services.

Refugee – A person who, ‘owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinions, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country’.

The specific legal regime protecting the rights of refugees is referred to as ‘international refugee protection’. The rationale behind the need for this regime lies in the fact that refugees are people in a specific predicament which calls for additional safeguards. Asylum-seekers and refugees lack the protection of their own country. Refugees are protected by refugee law – mainly the Convention Relating to the Status of Refugees (1951) and the Convention Governing the Specific Aspects of Refugee Problems in Africa (1969) – and human rights law.

The provisions of the 1951 Convention remain the primary international standard against which any measures for the protection and treatment

of refugees are judged. Its most important provision, the principle of non-refoulement (meaning no forced returns) contained in Article 33, is the bedrock of the regime. According to this principle, refugees must not be expelled or returned to situations where their life or freedom would be under threat. States bear the primary responsibility for this protection. Refugees fall under the mandate of the Office of the United Nations High Commissioner for Refugees. Refugees are also protected by IHL when they are in a State involved in an armed conflict. Refugees receive, besides the general protection afforded to civilians by IHL, special protection under the Fourth Geneva Convention and Additional Protocol I. Those recognised as refugees are better off than other forced migrants, in that they have a clear legal status and are entitled to the protection of the UNHCR.

Refugees enjoy other rights. One is freedom of movement, whereby states allow refugees the right to choose their place of residence within the territory and to move freely within the State. Freedom of movement is an especially important issue with regard to protracted refugee situations in countries with limited national resources and/or limited legal frameworks for protecting refugees who nonetheless host large refugee populations. In such countries, refugee warehousing – in which refugees are confined to refugee camps, thereby restricting their access to employment and education – is commonly practiced. Refugees are also entitled to a right to a family life, in respect of which a number of countries grant protection to dependent relatives of those granted asylum.

The 1951 Convention also protects other rights of refugees, such as the rights to education, access to justice, and employment. In their enjoyment of some rights, such as access to the courts, refugees are to be afforded the same treatment as nationals while with others, such as wage-earning employment and property rights, refugees are to be afforded the same treatment as foreign nationals. However, despite these rights being protected in the 1951 Convention and under human rights treaties, refugees in various countries do not enjoy full or equal legal protection of fundamental privileges.

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