

Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) Asylum Seekers and Refugees in the Global Compact for Refugees.

Full text: Suggested additional language to the zero draft of the GCR on LGBTI persons [additions in red]

The global compact on refugees *ZERO DRAFT (as at 31 January 2018)*

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Introduction

1. Refugee issues are international in scope and nature, necessitating concerted action by all in a true spirit of international cooperation. Building on the foundation of the international refugee protection regime, the global compact on refugees will strengthen international cooperation to ease pressures on the host countries involved; to enhance refugee self-reliance; to expand access to third-country solutions; and to support conditions in countries of origin for return in safety and dignity. 3 The global compact addresses a perennial gap in the international system for the protection of refugees: the need for more predictable and equitable burden- and responsibility-sharing among States, together with other stakeholders.

2. The success of the global compact will ultimately hinge on how much progress is made in the following areas: (1) sustained international financial and other forms of support to refugees and host communities; (2) strengthened national refugee response capacity; (3) improved socio-economic conditions for refugees and host communities, notably women and girls; and (4) enhanced efforts to resolve protracted situations, resulting in increased prospects for durable solutions.

3. Based on a two-year process of engagement with States and consultations with other relevant stakeholders, and drawing upon early lessons learned from the application of the comprehensive refugee response framework (CRRF), the global compact seeks to transform the international community's approach to providing protection, assistance, and solutions for refugees and supporting host countries and communities.

4. The global compact on refugees consists of two parts:

- (i) the CRRF, as adopted by the United Nations General Assembly in the [New York Declaration for Refugees and Migrants \(A/RES/71/1\) \(New York Declaration\), Annex I](#); and
- (ii) the programme of action, which underpins the CRRF and facilitates its application.

II. Comprehensive refugee response framework (CRRF)

5. The first part of the global compact is the CRRF, as set out in the [New York Declaration, Annex I](#).

III. Programme of action

6. The second part of the global compact is the programme of action, as set out below.

7. The purpose of the programme of action is to facilitate the application of a comprehensive response in support of countries particularly affected by a large movement of refugees, a protracted situation, or other context, as may be appropriate. The programme of action envisages generic support measures that would be translated into mutually reinforcing arrangements, contextualized and adapted to the specifics of each situation at the country and/or regional level.

8. More specifically, this would result in:

- A broadened base of sustainable support for refugees and host countries through the engagement of a wide array of relevant stakeholders;
- stronger and more predictable humanitarian and development responses that are consistent with national development strategies and support sustainable development;

- increased investments in building human capital and resilience through support to education and livelihood opportunities for host communities and refugees, pending the realization of durable solutions; and
- strengthened focus on addressing root causes and planning for solutions, including voluntary repatriation and resettlement, from the onset of emergencies.

9. The programme of action is based on the recognition that humanitarian, development, and peace efforts are complementary and reinforce each other in order to: address the root causes of forced displacement; meet the needs of refugees and host communities; and realize durable solutions. It is in line with the sustainable development agenda and ongoing United Nations reforms in the areas of prevention, peace, security, development, and peacebuilding. It also links to broader United Nations efforts to combat racism, discrimination, and xenophobia.

10. The programme of action invites engagement by States and other relevant stakeholders, including local authorities; international organizations within and outside the United Nations system; other development actors and international financial institutions; regional organizations; civil society, including faith-based organizations; academics and other experts; the private sector; media; and refugees themselves (hereinafter “relevant stakeholders”).

11. Age, gender, and diversity¹ considerations will guide all aspects of the programme of action, informed by the imperatives of promoting gender equality and empowering women and girls, as well as by the best interests of the child.

A. Principal modalities for burden- and responsibility-sharing

12. Countries that receive and host refugees, often for extended periods, make an immense contribution to the collective good, and indeed to the cause of humanity. It is imperative that these countries obtain the support of the international community as a whole in leading the response. There is an urgent need to broaden the support base in a wide range of areas.

13. The following modalities would serve to mobilize sustained attention and additional financial, material, and technical resources for specific situations; encourage regional contributions; foster solutions; involve a wide range of actors; and to do so in a coherent manner.

1. National arrangements and global platform

14. Host States could, where relevant, establish national arrangements to coordinate and facilitate the efforts of national and local authorities, international organizations, non-governmental organizations, and refugees working to achieve a comprehensive response. This could take the form of a steering group to provide policy direction at the national level, supported by a secretariat.

15. Such efforts could result in a comprehensive plan prepared by the host State, in consultation with UNHCR and other relevant stakeholders, setting out policy priorities, institutional arrangements, and requirements for investments, financing, and solutions, based on identified needs.

16. In support of host countries and communities leading the response, UNHCR will, as needed, convene a global platform to assist with a comprehensive response to specific situations. Bringing together interested States, the platform will provide strategic support and facilitate more equitable and predictable burden- and responsibility-sharing, taking into account differing capacities and resources. Participants will be invited to contribute to the comprehensive response, including through solidarity conferences (see

¹ [to include the definition of diversity into footnotes] Diversity refers to different values, attitudes, cultural perspectives, beliefs, ethnic background, nationality, sexual orientation, gender identity, ability, health, social status, skill and other specific personal characteristics. UNHCR (2011) Age, Gender and Diversity Policy <https://cms.emergency.unhcr.org/documents/11982/51766/UNHCR+Age%2C+Gender+and+Diversity+Policy+%282011%29/0a07fef0-38ed-4370-81cf-1744e8dbc764>

section 2 below), and will mobilize and involve other stakeholders as appropriate. The platform could support the search for solutions and, if found appropriate, measures to address root causes of displacement. It will neither engage in operational activities nor duplicate existing coordination mechanisms.

2. Solidarity conferences

17. Drawing on good practice, a solidarity conference could be organized in support of host States, with the assistance of UNHCR and others, to facilitate burden- and responsibility-sharing for a specific situation. The conference would seek to broaden the base of support beyond traditional humanitarian appeals to donors. Solidarity conferences would engage high-level representatives from key stakeholders. Outcomes could include follow-up mechanisms and reporting on progress, including from an age, gender, and diversity perspective.

18. Country or region-specific compacts that articulate a set of mutual commitments by host States, other States, and relevant stakeholders could be developed, as appropriate.

3. Additional funding and efficient use of resources

19. The mobilization of additional funding is key to the successful implementation of the global compact, bearing in mind the interest of all relevant stakeholders in maximizing the effective use of resources.

20. Interested States and relevant stakeholders⁸ will mobilize additional resources to support host countries and communities, including through:

- adequate financing for the emergency response, including flexible, unearmarked, and multi-year funding wherever possible; and
- dedicated development resources, over and above regular development programmes, through both bilateral and multilateral channels, in the form of grants or loans under highly concessional terms which include direct benefits to host communities, as well as to refugees.⁹

21. Development actors, including international financial institutions, will step up their engagement in support of refugees and host communities, and include the impact of a refugee situation in formulating policy recommendations. They will follow “aid effectiveness”¹⁰ principles, including the primacy of country ownership and leadership, and the importance of partnerships with the private sector and civil society.

22. Interested States and relevant stakeholders will explore opportunities for private sector investment and job creation in refugee-hosting areas through:

- assessing venture and infrastructure investment opportunities that are commercially sustainable, including identifying impediments to their being undertaken; and
- recommending and supporting, at the request of the host State, policy measures and de-risking arrangements to capitalize on commercial investment opportunities that also serve the public interest.

4. Regional organizations

23. Refugee movements often have a significant regional impact. In recognition of their important role, regional organizations could consider, in cooperation with relevant States, contributing to the development and application of a comprehensive response with **age, gender and diversity perspective**. They will be involved in the global platform and solidarity conferences, as appropriate.

24. To bring in different perspectives and experiences, exchange of good practices among relevant organizations will be facilitated by UNHCR on a regular basis.

5. A multi-stakeholder approach

25. In order to strengthen a multi-stakeholder approach, the following arrangements are foreseen:

26. Responses are most effective when they actively engage those they are intended to protect and assist. National authorities, UNHCR, and other relevant stakeholders will continue to develop and

support consultative processes that enable *refugees and host communities* to assess their own needs and help to design appropriate responses. States and relevant stakeholders will explore how best to include refugees, particularly women and youth,¹² in key fora, institutions, and decision-making processes, including by facilitating access to information, for instance through low-cost mobile phone and internet subscriptions.

27. Networks of cities and municipalities hosting refugees will share good practices and innovative approaches to responses in urban settings, including through twinning arrangements, with the support of UNHCR.

28. Civil society organizations, in particular at the local and national levels, will engage in planning and programme implementation, capacity building, and funding allocations.

29. Faith-based organizations will play a crucial role in developing context-appropriate arrangements to maximize support to refugees and host communities, including in the areas of conflict prevention, reconciliation, and peacebuilding.

30. Public-private partnerships will be explored, including possible new institutional arrangements and methodologies for the creation of commercial business venture conditions and financial/business instruments, to enable greater opportunities for private sector investment in refugee-hosting areas.

31. A global academic alliance on refugee, forced displacement, and statelessness issues will be established by UNHCR, involving universities, academic networks, and research institutions, to facilitate research, training, and other initiatives in support of the global compact.

32. Recognizing the important role that sports and cultural activities can play in social development, inclusion, cohesion, and well-being, particularly for refugee children and youth, partnerships will be pursued between relevant foundations; international organizations; non-governmental organizations; sporting and cultural associations federations, and organizations; the private sector; and experts to increase access to sporting and cultural facilities and activities in refugee-hosting areas.

6. Data and evidence

33. Reliable, comparable, and timely data, including population and socio-economic data, is critical for evidence-based measures to: improve conditions for refugees and host communities; assess the impact of large numbers of arrivals on host countries; and identify appropriate solutions.

34. Specific actions by States and other relevant stakeholders could include:

- promoting the development of common standards for the collection, analysis, and dissemination of age, gender and **diversity-disaggregated data** on refugees and asylum-seekers, including making primary population and socio-economic data (and underpinning collection methodologies) accessible to relevant stakeholders as appropriate;
- supporting the inclusion of refugees and host communities in national strategies for the development of statistics;
- resourcing national data collection systems on the situation of refugees and host communities, including socio-economic and demographic status, using national surveys, population and housing censuses, and administrative sources as relevant; and supporting the generation and dissemination of evidence on what has been effective in terms of the arrangements undertaken in the application of the global compact.

B. Support for the application of the CRRF

35. The cooperative arrangements set out below are grouped around the specific areas covered by the CRRF and, depending on the situation, could overlap: (1) reception and admission; (2) support for immediate and ongoing needs, and support for host countries and communities; and (3) durable solutions.

1. Reception and admission

1.1 Preparedness, contingency planning and early warning

36. Preparedness and contingency planning support better responses, including over the medium term. States and relevant stakeholders will seek to include preparation for large movements in a manner consistent with the CRRF in national, regional, and United Nations-supported preparedness and contingency planning, as relevant. Preparedness and contingency planning could also take into account regional early warning and prevention mechanisms, disaster risk reduction efforts, and measures to enhance evidence-based forecasting of future movements.

1.2 Immediate reception arrangements

37. When large numbers of people arrive, host countries and communities go to great lengths to scale up arrangements to receive them. In support of local and national government strategies to manage arrivals, UNHCR, in cooperation with relevant stakeholders, will mobilize and deploy resources and expertise to:

- assist with initial registration and identification of specific needs², including of unaccompanied and separated children, **SGBV survivors and LGBTI persons** (see sections 1.4 and 1.5 below);
- identify and support the establishment of reception and transit areas;
- support essential services in reception areas **including safe spaces for LGBTI persons and other specific needs groups**; and
- conduct post-reception planning, including through collective arrangements or individual/community-based accommodation **including safe spaces for LGBTI persons and other specific needs groups**.

38. Priority will be given to supporting local service delivery. Regional and international standby arrangements for personnel, as well as technical and material assistance will also be activated and strengthened. Measures by host States to facilitate entry for standby and emergency deployments are encouraged.

1.3 Safety and security

39. Security considerations and international refugee protection are complementary. Host States can benefit from the adoption of an integrated approach that protects refugees while safeguarding national security. In recognition of the legitimate security concerns of host States, and to uphold the civilian and humanitarian character of international protection, support mechanisms for host States will be established at their request, including to:

- apply protocols for security screening of new arrivals, and effective and protection-sensitive use of databases **that are age, gender and diversity sensitive**;
- provide guidance to relevant authorities (police, military, security, judiciary) on international refugee protection, as well as on modalities for prosecution and/or extradition, in line with international law, of persons suspected of engaging in criminal activity (including smuggling and trafficking);
- facilitate community-oriented approaches to identify and address potential security threats **including SGBV** affecting refugees and host communities, including frameworks for community policing and community watch systems;
- identify and separate fighters and combatants at border entry points or as early as possible after arrival; and
- develop and implement programmes for protection and assistance to children formerly associated with armed forces and groups.

1.4 Registration and documentation

² [to include explicit definition/reference to who constitutes the specific needs group] “The following are groups generally considered to have specific needs: girls and boys at risk, including unaccompanied and separated children, persons with serious health conditions, persons with special legal or physical protection needs, single women, women-headed households, older persons, persons with disabilities, **and persons with a diverse sexual orientation or gender identity.**” UNHCR Emergency Handbook, Identifying Persons with Specific Needs (PWSN), 4th edition, 1. Overview <https://emergency.unhcr.org/>

40. Registration of refugees and asylum-seekers is key for States to know who has arrived, ensures integrity of protection systems, facilitates access to basic assistance, allows identification of those with specific needs, and provides information crucial to finding appropriate durable solutions.

41. UNHCR, in conjunction with interested States and relevant stakeholders, will support host States to:

- develop digital systems for individual registration, documentation, and biometrics (including for women and girls), with standard operating procedures for national-level deployment;
- collect quality registration data, disaggregated by age, sex, specific needs³, and location; and
- establish protocols for the sharing of personal and biometric data, in line with data protection and privacy principles.

1.5 Addressing specific needs

42. In managing large movements, the capacity to address specific needs is a particular challenge, requiring resources and targeted assistance. In support of efforts by host countries, relevant stakeholders will mobilize resources and technical assistance to identify and address specific needs, including through the establishment of multi-stakeholder response teams.

43. Support could be provided for:

- “safe spaces” in arrival, transit, registration, and other communal areas **in particular for LGBTI persons;**
- best interests assessment and/or determination for children, including unaccompanied and separated children, together with care arrangements and their eventual inclusion in State child protection systems and social services, as appropriate;
- counselling and medical assistance for survivors of sexual and gender-based violence, torture, and trauma, and those with other medical needs **operating under the age, gender and diversity framework;**
- identification, assistance, and referral for victims of trafficking, including to assess their need for international protection;
- arrangements to enable people with disabilities and older adults to access registration and other services; and
- referral of individuals in need to platforms for emergency processing for resettlement **in particular LGBTI persons**, such as emergency transit facilities, as appropriate and available.

1.6 Identifying international protection needs

44. In large movements, group-based recognition or other similar options are often best suited to addressing international protection needs. In some instances, such as mixed movements, other mechanisms for the fair and efficient determination of individual international protection claims provide an opportunity for States to determine the status of those on their territory.

45. To facilitate predictable and sustained support, UNHCR will establish an **asylum capacity support group**, drawn from a global pool of **experts who are trained to operate within age, gender and diversity framework**. Under the aegis of UNHCR, this group will provide support to interested States, including through standby arrangements, State-to-State twinning, broader institutional capacity-building, and mobilization of other relevant assistance.

46. UNHCR will, as appropriate:

³ [to include explicit definition/reference to who constitutes the specific needs group] “The following are groups generally considered to have specific needs: girls and boys at risk, including unaccompanied and separated children, persons with serious health conditions, persons with special legal or physical protection needs, single women, women-headed households, older persons, persons with disabilities, and persons with a diverse sexual orientation or gender identity.” UNHCR Emergency Handbook, Identifying Persons with Specific Needs (PWSN), 4th edition, 1. Overview <https://emergency.unhcr.org/>

- provide advice on arrangements for processing asylum claims (such as group-based or prima facie recognition) or other ways to recognize international protection needs fairly and efficiently in a particular context;
- share or facilitate tools and technical platforms (e.g. communities of practice or knowledge management platforms, country of origin information, and fraud resistant certificates and documentation);
- provide guidance to adapt processes so that they are gender- , **diversity**- and child-sensitive;
- provide advice on how to take security concerns into account and prevent misuse of asylum and other international protection procedures; and
- promote and provide technical support for accession to the 1951 Convention relating to the Status of Refugees, the 1967 Protocol thereto, or other relevant refugee and statelessness instruments.

47. In addition, where appropriate, UNHCR will advise on addressing broader international protection challenges, together with other relevant stakeholders. This could include:

- measures to protect those displaced by natural disasters and climate change, taking into account regional refugee instruments, as well as practices such as temporary protection, humanitarian stay arrangements, and complementary or subsidiary protection; and
- the establishment or strengthening of statelessness determination procedures.

2. Meeting needs and supporting communities

48. Pending the realization of durable solutions, the welfare of refugees and host communities is intrinsically interlinked. There is increasing recognition of the advantages of shared and inclusive economic growth from which all can benefit. However, significant external support is needed to accompany efforts by host States in the development of national policies and institutions to strengthen the resilience of local and refugee communities. It will be important, therefore, that humanitarian agencies and development actors ensure complementarity between the immediate emergency response and inclusive national development.

49. In particular, moving away from past practices of encampment and parallel services for refugees, investments are encouraged to expand and strengthen national systems for education, health, jobs, and other services, as set out below. The inclusion of refugees in such systems will reduce vulnerability and build human capital, while also ensuring that host communities benefit from strengthened services and systems over time. For refugees, fostering their self-reliance and enhancing their skills and education while in exile also better prepares them for solutions, notably voluntary repatriation, and can make these solutions more sustainable.

50. Against this background, in support of efforts by host countries, and as appropriate, interested States and relevant stakeholders will make available funding and capacity to: include refugees in national systems; expand and strengthen such systems for the benefit of host communities and refugees; and support approaches that can be sustained over the medium term, from a financial, economic, environmental, and social standpoint, until solutions can be achieved.

51. The following areas are of particular importance:

2.1 Education

52. In line with national education planning and the sustainable development agenda, 30 interested States and relevant stakeholders³¹ will assist host countries to include refugee children and youth in national education systems, where appropriate, expanding and strengthening them for the benefit of both local communities and refugees. Special efforts will be made to minimize the time refugee children and youth spend out of school, ideally a maximum of three months. Innovative financing mechanisms to increase investment in education will also be explored.

53. Specific actions to achieve this could include:

- support to expand and/or enhance educational facilities and capacity (e.g. infrastructure; teaching staff; and including refugee data in education management information systems);

- measures to meet the specific needs of refugee children and youth, especially girls, (e.g. through accelerated education and other flexible learning programmes, as well as adapted approaches to cope with psychosocial trauma) and overcome obstacles to their enrolment and attendance (e.g. safe transport; documentation; language and literacy support; and bridging programmes);
- expanded access to secondary and tertiary education, including through scholarships and connected learning, with a particular focus on women and girls; and
- support to refugees who are or could be engaged as teachers.

2.2 *Jobs and livelihoods*

54. To foster inclusive economic growth for both host communities and refugees, and in line with the sustainable development agenda, interested States and relevant stakeholders will support efforts, based on data (notably on labour markets, investment and skills), to:

- promote economic opportunities for host communities and refugees, including specifically for women, youth, **LGBTI persons**⁴ and those with disabilities, through enabling policy, legal, and administrative frameworks;
- encourage development funds to be directed to regions and communities that host refugees, and develop adequate instruments to attract private sector and infrastructure investment in these areas;
- facilitate access to affordable financial products and services for host communities and refugees, including bank accounts, savings, credit, insurance, and payments;
- where practicable, negotiate preferential trade arrangements, and facilitate access to local, regional and global supply chains for host communities and refugees; and
- promote internet connectivity and access to new technologies for host communities and refugees to support online livelihood opportunities.

2.3 *Health*

55. In line with national and local health care policies and plans, as well as the sustainable development agenda, interested States and relevant stakeholders will support host countries to include refugees in national health systems, where appropriate, and to expand and strengthen these systems for the benefit of both local communities and refugees, including, in particular, women, children and youth, **LGBTI persons** and people with disabilities.

56. This could include support for:

- expanding service delivery, including by improving or increasing health facilities;
- strengthening national health data systems, including disaggregation of key health indicators by refugee status;
- defining a basic package of health services;
- ensuring sufficient healthcare workers are available, and have access to training opportunities where needed;
- facilitating affordable and equitable access to adequate quantities of medicines, medical supplies, vaccines, diagnostics, and preventive commodities; and
- reviewing health financing and ensuring proper resourcing of systems
- **establishing and/or resourcing services for SGBV survivors including LGBTI persons.**

2.4 *Accommodation, energy, and natural resource management*

⁴ LGBTI asylum-seekers and refugees experience widespread discrimination when accessing housing, employment, education, health and psychological care and other social services in host countries. They may be evicted from their housing and fired from jobs once their sexuality or gender identity is revealed. UNHCR Discussion Paper (2010) The Protection of Lesbian, Gay, Bisexual, Transgender and Intersex Asylum-Seekers and Refugees <http://www.refworld.org/pdfid/4cff9a8f2.pdf>

57. Wherever possible, alternatives to camps will be pursued. To achieve this, support is required for host countries to strengthen infrastructure to meet the accommodation needs of refugees and host communities, to preserve the environment, and to develop sustainable energy sources.

58. In line with national energy and environmental strategies, the sustainable development agenda, and other frameworks, interested States and relevant stakeholders will provide technical and financial assistance to bolster national capacity to address accommodation or environmental challenges in or near refugee-hosting areas, and to invest upfront in smart technologies that increase the use of renewable energy and prevent the degradation of the environment. Business models for the delivery of clean energy that cater more effectively to refugee and host community needs will be actively pursued.

59. State-to-State support for such projects will be facilitated, including in urban areas. Support will also be provided to host countries, as appropriate, to include refugees in climate change mitigation and adaptation measures, and disaster risk reduction strategies.

2.5 Civil registries

60. Establishing legal identity is key for a wide range of activities, including the registration of births, deaths, and marriages; enrolling in school; and obtaining employment, housing, medical care, and other services. For refugees, recognition of identity is essential for solutions. Proof of identity also helps States to have accurate information about the persons living on their territory for the purposes of security, as well as economic and social planning.

61. Interested States and relevant stakeholders will support host countries in their efforts to strengthen the capacity of civil registries, including through digital technology and the provision of mobile services, so that refugees can be included in these systems, as appropriate.

62. In addition, recognizing that statelessness is both a cause and consequence of displacement, UNHCR and other relevant stakeholders will deploy resources and expertise to support States to prevent and reduce statelessness in line with UNHCR's Campaign to End Statelessness⁴¹ and the sustainable development agenda.

2.6 Gender

63. Women and girls may experience particular challenges that call for an adaptation of responses, including in areas such as livelihoods, education, health, and solutions. In line with the sustainable development agenda, States and relevant stakeholders will work to adopt and tailor policies and programmes to meet the specific needs and requirements of women and girls. This could include measures to:

- promote the meaningful participation and leadership of women and girls;
 - support the participation of national and community-based women's organizations, as well as government ministries particularly focused on women and children, in CRRF-related processes; and
 - prevent and respond to sexual and gender-based violence
- meet the specific needs of diverse groups of women and girls arising from their age, sexual orientation and gender identity, disability or other diversity characteristics.**

2.7 Other areas of action

64. Interested States and relevant stakeholders will support host countries to strengthen other sectors and technical areas to facilitate better conditions for refugees and host communities, in line with the sustainable development agenda,⁴⁴ including but not limited to: water and sanitation, infrastructure, urban development, social protection, child protection, and access to new technologies.

3. Solutions

65. One of the primary objectives of the global compact is to increase the availability of durable solutions, including by planning for solutions from the onset of emergencies. Political and security cooperation and promoting development and human rights are key to resolving protracted displacement, and to preventing

new crises from emerging. At the same time, addressing the causes of displacement can take time. The programme of action therefore envisages the application of a mix of solutions, adapted to the specific context and circumstances of displacement. The measures set out in section (2) above help to strengthen the resilience of refugees and host communities, and provide an important foundation for a durable solution, including notably voluntary repatriation.

3.1 Voluntary repatriation

66. Enabling voluntary and sustainable repatriation is first and foremost the responsibility of the country of origin towards its own people. Voluntary repatriation is also the preferred solution of many refugees. In order to scale up the availability of voluntary repatriation, technical, financial, and other support will be provided by interested States and relevant stakeholders to countries of origin to address the root causes of displacement and to build institutional readiness and capacity to receive and reintegrate returnees.

67. Particular attention will be paid to supporting conditions and opportunities favourable to voluntary and sustainable repatriation, including safety and security, rule of law, access to essential services and documentation, economic recovery, and reconciliation. Access to economic opportunities in the country of origin, along with the prospect of recovering lost assets - such as housing, land, and property - are also important factors that influence successful return. Such endeavours would build on the United Nations Secretary-General's reform agenda, notably in the areas of peace, security, and development.

68. Addressing displacement, in particular measures for voluntary repatriation and reintegration, are recommended to be included in political settlements, peace agreements, and crisis recovery strategies. Specific measures of support will often be required to avoid further displacement on return (internal or cross-border) and to ensure non-discrimination between returning refugees, the internally displaced, and non-displaced resident populations. Of equal importance are reconciliation and confidence-building measures, not least to prevent violent conflict in the future. Other specific actions could include facilitating the participation of refugees and returnees (notably women and youth) in relevant processes and decision-making, including peacebuilding activities, and returnee monitoring to provide updated information on return areas. Efforts for mine action, including risk awareness and victim assistance; for security sector reform; and to counter the proliferation of small arms and light weapons, all of which can hinder return, are crucial.

3.2 Resettlement

69. In a spirit of burden- and responsibility-sharing, States, with the support of relevant stakeholders, will consider establishing, or increasing the scope, size, and quality of, resettlement programmes to meet the annual global resettlement needs identified by UNHCR. A multi-year resettlement pledging process will be explored, where appropriate. Particular support for the establishment and expansion of resettlement programmes in new and emerging resettlement countries will be encouraged, including through the Emerging Resettlement Countries Joint Support Mechanism (ERCM).

70. UNHCR could establish a resettlement core group in specific situations to facilitate a coordinated response, to expedite processing, and to broaden selection criteria with due regard to protection needs and security considerations. The use of platforms for emergency processing for resettlement and emergency transit facilities will be expanded, and the involvement of stakeholders such as the private sector, civil society, individuals, and academia to support resettlement will be encouraged. Where possible, States will seek to resettle at least 25 per cent of annual resettlement submissions within six months of UNHCR referral, including through the use of flexible processing modalities **in particular people with specific needs such as LGBTI persons or women and girls.**

71. Consideration will also be given to measures to ensure that resettlement is used strategically, and in line with its humanitarian and protection underpinnings **and taking into account particular vulnerabilities of people with specific needs such as LGBTI persons.** This could include, as appropriate: allocating places for the resettlement of refugees from at least three priority situations identified by UNHCR in its annual projected global resettlement needs; and dedicating at least 10 per cent of resettlement submissions as

unallocated places for emergency cases identified by UNHCR, including people with urgent or serious medical needs.

3.3 Other pathways for admission to third countries

72. As a complement to resettlement, States, with the support of UNHCR and other relevant stakeholders, will consider the timely establishment or expansion of pathways for the admission of persons with international protection needs, in order to facilitate their protection and, where appropriate, provide opportunities for solutions. This could include:

- expanded family reunification mechanisms, including broadened eligibility criteria and simplified procedures;
- private or community sponsorship programmes that are additional to regular resettlement, including through the Global Refugee Sponsorship Initiative (GRSI);
- educational opportunities through grant of scholarships and student visas; and
- pilot programmes to explore labour mobility opportunities for refugees.

73. Interested States, UNHCR, and other relevant stakeholders will work to enable the collection and analysis of data related to the availability and use of complementary pathways, and to share good practices and lessons learned.

3.4 Local solutions

74. While voluntary repatriation continues to be the durable solution sought by many refugees, a comprehensive approach to solutions also focuses on the situation of those refugees who are unable to return to their countries of origin or to be resettled, or for whom a local solution is otherwise preferable, including because they have established close links with the host community. A number of States have found it useful to move towards the full integration of refugees, including by providing durable legal status, permanent residence, and naturalization, where appropriate.

75. To assist countries engaged in providing such local solutions, interested States and other relevant stakeholders will dedicate funding, material, and technical expertise to support the development of a strategic framework for local solutions, as well as national and regional frameworks offering pathways to permanent residence or naturalization for refugees, wherever appropriate.

IV. Follow-up arrangements

76. With active assistance from the international community, UNHCR will do its utmost to mobilize support for the application of the global compact. United Nations Member States and relevant stakeholders will be invited by UNHCR to make concrete pledges, and to provide updates on their endeavours to support the application of the global compact. The United Nations High Commissioner for Refugees will include, in his annual report to the United Nations General Assembly, information on progress made in its application.

77. In consultation with States and relevant stakeholders, UNHCR will develop a set of key indicators to monitor and evaluate progress and outcomes of the global compact. These indicators will be measurable against the overall objectives of the global compact and will be aligned with and contribute to the relevant goals of the sustainable development agenda. UNHCR, with input from States and relevant stakeholders and **refugees with equal representation of women and men and diversity within the refugee population**, will monitor and evaluate progress towards the achievement of these indicators. United Nations Member States could also include refugees in their progress reporting on the Sustainable Development Goals.

78. UNHCR will provide a digital platform to share good practices informed by evidence and evaluation, notably from a gender and age-sensitive perspective, in the application of the different elements of the global compact.

79. It is envisaged that progress in the application of the global compact will be assessed periodically in light of changing situations and lessons learned. A first opportunity will be at a ministerial-level meeting to be convened by UNHCR for all United Nations Member States in 2021, coinciding with the 70th anniversary of the 1951 Convention relating to the Status of Refugees and the 60th anniversary of the 1961 Convention on the Reduction of Statelessness.

References with relevant excerpts

1. UNHCR (2011) **Age, Gender and Diversity Policy** <https://cms.emergency.unhcr.org/documents/11982/51766/UNHCR+Age%2C+Gender+and+Diversity+Policy+%282011%29/0a07fef0-38ed-4370-81cf-1744e8dbc764>

Diversity refers to different values, attitudes, cultural perspectives, beliefs, ethnic background, nationality, sexual orientation, gender identity, ability, health, social status, skill and other specific personal characteristics.

2. UNHCR **Emergency Handbook, Identifying Persons with Specific Needs (PWSN), 4th edition, 1. Overview** <https://emergency.unhcr.org/>

“The following are groups generally considered to have specific needs: girls and boys at risk, including unaccompanied and separated children, persons with serious health conditions, persons with special legal or physical protection needs, single women, women-headed households, older persons, persons with disabilities, and persons with a diverse sexual orientation or gender identity.”

3. UNHCR (2012) **Guidelines on International Protection No. 9: Claims to Refugee Status based on Sexual Orientation and/or Gender Identity** <http://www.unhcr.org/refworld/docid/50348afc2.html>
4. UNCHR (2008) **Guidance Note On Refugee Claims Relating To Sexual Orientation And Gender Identity** <http://www.refworld.org/pdfid/48abd5660.pdf>
5. UNHCR (2011) **Working with Lesbian, Gay, Bisexual, Transgender & Intersex Persons in Forced Displacement** <http://www.refworld.org/pdfid/4e6073972.pdf>
6. UNHCR **Discussion Paper (2010) The Protection of Lesbian, Gay, Bisexual, Transgender and Intersex Asylum-Seekers and Refugees** <http://www.refworld.org/pdfid/4cff9a8f2.pdf>

The right to non-discrimination is essential for the international protection of LGBTI asylum-seekers and refugees.

Transgender asylum-seekers and refugees suffer multiple discrimination based on their gender identity or gender expression. It is reported that transgender persons seem to experience particularly severe marginalization because they are subject to sexual abuse and violence, discrimination, extreme poverty, lack of access to education, health and psychological care, work and housing. It is reported that this marginalization leads many transgender persons to engage in sex work in order to survive. Transgender persons experience difficulties in transit and at borders when their legal documents do not match their identities. This often leads to searches, detention and incidents of abuse.

Resettlement in a third country may be the most likely scenario for many LGBTI refugees who have sought protection. Further efforts are needed to identify and address the risk factors that could potentially indicate resettlement as the only viable option for some LGBTI refugees, including through the use of the revised HRIT and referral mechanisms.

7. UNHCR **Division of International Protection (2015) Protecting Persons with Diverse Sexual Orientations and Gender Identities. A Global Report on UNHCR’s Efforts to Protect Lesbian, Gay, Bisexual, Transgender, and Intersex Asylum-Seekers and Refugees.** <http://www.refworld.org/pdfid/566140454.pdf>

Training UNHCR staff, partners, and governments on SOGI-related issues (sexual orientation and gender identity) is important to ensure that protection and advocacy activities undertaken by humanitarian actors are appropriate and sensitive to the particular needs of LGBTI persons of concern.

8. UNHCR, **Division of International Protection (2013) Resettlement Assessment Tool: Lesbian, Gay, Bisexual, Transgender and Intersex Refugees.** <http://www.refworld.org/pdfid/5163f3ee4.pdf>

9. UNHCR Resettlement Handbook, 5.2.5 Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) refugees <http://www.unhcr.org/en-au/protection/resettlement/46f7c0ee2/unhcr-resettlement-handbook-complete-publication.html>

An understanding of the multiple forms of harm and discrimination experienced by LGBTI persons throughout the displacement cycle is vital in order for States, NGOs and UNHCR to adequately respond to their protection needs.

Resettlement may be the only viable durable solution for LGBTI refugees facing intolerance and heightened risk in countries of first asylum, and emergency processing or evacuation may be required as lengthy processing can exacerbate the security risks.

10. UNCHR Division of International Protection (2011) Action against Sexual and Gender-Based Violence: An Updated Strategy. Section 5. Protecting LGBTI persons of concern against SGBV. <https://cms.emergency.unhcr.org/documents/11982/51689/UNHCR%2C+Action+Against+Sexual+and+Gender-based+Violence.+An+Updated+Strategy%2C+2011/4f9d2a1c-280e-4ac8-a832-1a789de63d46>

UNHCR continues to strengthen the protection available to LGBTI persons of concern. Its efforts focus on collaborating with LGBTI organisations and NGOs and developing LGBTI-related legal and operational guidance.

- Include LGBTI persons of concern in all programmes, including outreach activities.
- Inform and train staff on matters relating to sexual orientation and gender identity to ensure that all persons of concern to UNHCR are treated with respect, without discrimination and in accordance with their right to confidentiality.
- Ensure application of the UNHCR Guidance Note on Refugee Claims Relating to Sexual Orientation and Gender Identity.
- Raise awareness among legal, psychosocial and health service providers about the prevalence of sexual violence against LGBTI persons and their obligation to act inclusively and without discrimination, thereby preserving dignity and confidentiality in their dealings with LGBTI sexual-abuse survivors.
- Refine procedures for refugee status determination on grounds of sexual orientation. Develop training materials to support implementation of the UNHCR Guidance Note on LGBTI Claims, and the UNHCR Guidance Note on Working with LGBTI Persons in Forced Displacement.
- Train resettlement staff and partners on the specific needs of LGBTI persons

11. Human Rights Council 19 Session (2011) Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General. Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity http://www.ohchr.org/Documents/Issues/Discrimination/A.HRC.19.41_English.pdf

12. UNHCR Training package on the protection of LGBTI persons in forced displacement. <http://www.unhcrexchange.org/old/topics/15810/contents?PHPSESSID>

13. ActionAid UK Hate crimes: The rise of 'corrective' rape in South Africa 2009 https://www.actionaid.org.uk/sites/default/files/publications/hate_crimes_the_rise_of_corrective_rape_in_south_africa_september_2009.pdf

14. Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity http://www.yogyakartaprinciples.org/principles_en.htm

15. UN Committee on the Elimination of Discrimination Against Women (CEDAW), General recommendation No. 27 on older women and protection of their human rights, 16 December 2010, CEDAW/C/GC/27 <http://www.refworld.org/docid/4ed3528b2.html>

16. UN Committee on the Elimination of Discrimination Against Women (CEDAW), General recommendation No. 28 on the Core Obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women
<http://www2.ohchr.org/english/bodies/cedaw/docs/CEDAW-C-2010-47-GC2.pdf>

17. Other resolutions related to the protections of LGBTI persons:

- The United Nations Human Rights Council's Jul 2016 Resolution 32/2 on the protection against violence and discrimination based on sexual orientation and gender identity.
- the United Nations Human Rights Council's July 2011 Resolution 17/19 which expresses "grave concern at acts of violence and discrimination, in all regions of the world, committed against individuals because of their sexual orientation and gender identity;" (United Nations Human Rights Council, Resolution 17/19: Human Rights, Sexual Orientation and Gender Identity, 2011);
- Resolution 275 adopted by the African Commission on Human and Peoples' Rights in May 2014 which condemns violence by State and non-State actors on the basis of SOGI and calls for stronger protection of persons targeted on the basis of SOGI in the Africa region (African Commission on Human and Peoples' Rights, Resolution 275 on Protection against Violence and other Human Rights Violations against Persons on the basis of their real or imputed Sexual Orientation or Gender Identity, 2014);
- the 2010 Reference by the Advisory Council of Jurists to the Asia Pacific Forum which recommends that national human rights institutions "promote the consideration of human rights issues in relation to sexual orientation or gender identity at the international level, including through inclusion of these issues where relevant in reports;" (Asia Pacific Forum, Advisory Council of Jurists Report: Human Rights, Sexual Orientation and Gender Identity, 2010);
- Resolution 2721 adopted by the General Assembly of the Organisation of American States in June 2012 which resolves to condemn discrimination against persons by reason of their sexual orientation and gender identity (General Assembly of the Organisation of American States, Resolution 2721: Human Rights, Sexual Orientation and Gender Identity, 2012);
- Resolution 1728 adopted by the Parliamentary Assembly of the Council of Europe in April 2010 which calls on Member States to "recognise persecution of LGBT persons as a ground for granting asylum;" (Council of Europe, Discrimination on the Basis of Sexual Orientation and Gender Identity, 2010) and,
- the September 2011 and February 2014 resolutions by the European Parliament which recall, respectively, the "obligation to protect or grant asylum to third country nationals escaping or risking persecution in their country of origin on the basis of their sexual orientation" and the need to "include specific issues linked to sexual orientation and gender identity in the implementation and monitoring of asylum legislation." (European Parliament, Sexual Orientation and Gender Identity at the UN Human Rights Council, 2011. European Parliament, European Union Roadmap against Homophobia and Discrimination on Grounds of Sexual Orientation and Gender Identity, 2014).

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