



GENUINE RESPONSIBILITY-SHARING: AMNESTY INTERNATIONAL'S FIVE PROPOSALS

THE GLOBAL REFUGEE CRISIS

AMNESTY
INTERNATIONAL



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Cover photo: On the side of a road in Kilis, Turkey, a 3 year old Syrian boy looks out of the tent he has been living in for over a year with his family © Amnesty International

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INTRODUCTION

There are currently some 20 million refugees worldwide. The vast majority (86% according to UNHCR figures) are hosted in low and middle income countries, while many of the world's wealthiest nations host the fewest and do the least. For example, the UK has granted asylum to approximately 5,000 Syrians since 2011,¹ while Jordan – with a population almost 10 times smaller than the UK and 1.2% of its GDP² – hosts over 655,000 Syrian refugees.³ The total refugee and asylum-seeker population in wealthy Australia is 57,594, compared to 739,156 refugees and asylum-seekers in Ethiopia.⁴ This situation is inherently unfair, and undermines the human rights of refugees.

More than one million refugees are considered by UNHCR to be vulnerable and urgently in need of resettlement to other countries. Vulnerable refugees include survivors of violence and torture, women and girls at risk, and those with serious medical needs. Only around 30 countries offer resettlement places for vulnerable refugees, and the number of places offered (known as “resettlement places”) annually falls far short of the needs identified by UNHCR.

Humanitarian appeals to support major refugee crises, such as Syria, Burundi and Afghanistan are consistently, and severely, underfunded. As of 1 June 2016, the Burundi response plan was only 30% funded, the Syria regional refugee and resilience plan was only 27% funded, and the 2016 Yemen Humanitarian Response plan was just 17% funded.

A FAIR SYSTEM TO SHARE RESPONSIBILITY

Amnesty International believes that States' respective contributions to refugee responsibility-sharing should be far more equitable, based on an objectively defined capacity of the State to host and assist refugees. The concept of responsibility-sharing is rooted in international human rights and refugee law. States have obligations to support each other to host refugees, and obligations to seek, and provide, international cooperation

WHERE REFUGEES LIVE IN THE WORLD

Although the increase in refugee numbers is due largely to the conflict in Syria, the refugee crisis is a global phenomenon with large refugee populations in most regions of the world. The Syria conflict was the catalyst for international attention to an issue that has not received the attention it needs. Some of the major refugee populations globally are:

- Over 5 million Palestinian refugees in the Middle East;
- Over 4.8 million refugees from Syria – 95% living in five neighbouring countries;
- Over 2.5 million Afghan refugees, the majority in Pakistan and Iran;
- More than one million Somali refugees, including 413,000 in neighbouring Kenya.



 Newly arrived refugees from Somalia wait for registration at IFO camp, Dadaab, Kenya, 2010 © UNHCR/R. Gangale

¹ *Syria Refugees: UK Government Response*, 8 October 2015, available at www.gov.uk/government/news/syria-refugees-uk-government-response (accessed 1 July 2016)

² Jordan's population is 6.7 million. The population of the UK is 65 million. Jordan's GDP was 36 billion USD in 2014. The UK's GDP was 3 trillion USD for 2014. Source: World Bank. See: www.worldbank.org/en/country/unitedkingdom; www.worldbank.org/en/country/jordan (both accessed 1 July 2016). Gross domestic product (GDP) is a monetary measure of the value of all final goods and services produced in a period (quarterly or yearly). Nominal GDP estimates are commonly used to determine the economic performance of a whole country or region, and to make international comparisons.

³ UNHCR, *Syria Refugee Regional Response*, available at <http://data.unhcr.org/syrianrefugees/regional.php> (accessed 1 July 2016)

⁴ UNHCR, *Global Trends, Forced Displacement in 2015*, p. 57-58, available at <https://s3.amazonaws.com/unhcrsharedmedia/2016/2016-06-20-global-trends/2016-06-14-Global-Trends-2015.pdf> (accessed 1 July 2016)

and assistance to ensure refugees can reach a place of safety and have access to the support they need. However, this is not happening. While a small number of countries host millions of refugees, many countries provide no assistance whatsoever. Responsibility-sharing will never be a reality until there is a fair basis and appropriate structure to guide States on what their fair share of responsibility looks like.

Amnesty International is proposing a fundamental reform to the way States share responsibility. Our proposal is simple: introduce a system that uses relevant, objective criteria to show each State what their fair share looks like. Then use these criteria to address critical dimensions of the current global refugee crisis.

WHICH CRITERIA?

States' respective contributions to refugee responsibility-sharing should be proportionate to an objectively defined capacity to host and support refugees. National wealth (for example, GDP or GNI⁵), population size and unemployment rates are all factors that affect a country's ability to host and integrate refugees. While States might add to or modify these criteria, and assign different weighting to each one, they should focus on agreeing a relatively small number of relevant, broadly applicable, common-sense criteria that enable responsibility-sharing.



  **Clockwise from the right:** A Rohingya man and his child living in an integrated community shelter, Indonesia. Subject to widespread persecution and violence in Myanmar, thousands of Rohingya take irregular and dangerous boat journeys in an effort to reach safety © Amnesty International; Children from Syria sleep on the floor of a camp while seeking asylum on the Greek island of Chios © Giorgos Moutafis; Ifo camp in Dadaab, Northern Kenya. Tents in this area are close together and used as permanent shelter as there is no land for refugees to build houses © UNHCR/E. Hockstein; Balata Refugee Camp, the most populated Palestinian refugee camp in the West Bank © Jeremy Robson

⁵ The gross national income (GNI) is the total domestic and foreign output claimed by residents of a country, consisting of gross domestic product (GDP) plus factor incomes earned by foreign residents, minus income earned in the domestic economy by non-residents.

AMNESTY INTERNATIONAL'S FIVE PROPOSALS TO ACHIEVE RESPONSIBILITY-SHARING

Amnesty International believes that a new global system of responsibility-sharing should include the following five elements:

1. A new mechanism to resettle all refugees who meet UNHCR's vulnerability criteria

All countries would be required to accept a proportion of the global vulnerable refugee population, with the proportion each country takes being based on objective criteria that reflect the country's capacity to host refugees.

As noted above, UNHCR identifies a sub-set of refugees that meet its 'vulnerability' criteria, out of the total number of refugees globally. UNHCR then approaches the small group of countries (approx. 30) that offer resettlement places, and asks these countries to resettle the vulnerable refugees. However, the number of resettlement places which these countries offer annually is far fewer than the number of vulnerable refugees UNHCR identifies as in need of resettlement. For example, right now UNHCR considers 1.2 million vulnerable refugees to be in need of resettlement. Yet the annual number of resettlement places offered is around 100,000. This is a shortfall of more than one million women, men and children.

Amnesty International is calling for a system which will achieve full resettlement of all refugees who meet UNHCR's vulnerability criteria by requiring all countries, not just those currently participating in UNHCR's resettlement process, to accept a certain number annually. The number each country is required to take would be based on objective criteria linked to the country's capacity to host and provide proper support and protection to the refugees.

The system should respect existing safeguards and take account of the specific vulnerability of each refugee, which could require that they are resettled in countries that can offer appropriate support (for example, LGBTI individuals who may need to be relocated to countries where their sexual orientation and gender identity would not expose them to risks).

This new system would end the piecemeal and highly unpredictable nature of the current resettlement process. It puts the needs of vulnerable refugees at the centre of the process. The present system does not match resettlement places to resettlement needs. Amnesty International's proposal does. Whatever the legitimate needs of the vulnerable refugees are, the international community would meet them in a timely manner, based on established and fair criteria.

The current figure for refugees in need of resettlement (approximately 1.2 million) is high because there has been an imbalance between resettlement needs and available places for many years. With only 30 countries offering any places, the responsibility is clearly not being shared. There is a need for substantial increase in annual resettlement for a few years to address the historical backlog. After

the backlog is cleared the annual numbers of vulnerable refugees in need of resettlement should decrease. Critical to achieving this is a substantial increase in the number of countries that have established resettlement programmes.

2. A new global refugee transfer mechanism to transfer refugees from countries where the refugee population has reached a certain threshold

The threshold would be defined using objective criteria that reflect the country's capacity to host refugees. When a country receives refugees that take it beyond its maximum capacity to host refugees it triggers this mechanism.

In situations of large movements of refugees, even full resettlement of all vulnerable refugees is not sufficient to ensure both the rights of refugees and an equitable sharing of the responsibility amongst States to protect and assist refugees. Amnesty International is proposing an additional global mechanism to address these specific contexts. This mechanism would be triggered only if a country receiving refugees reaches a certain threshold, relative to its population, wealth, and other independently verifiable and relevant criteria, indicating that it reached its maximum capacity to host refugees.

Other States, starting with those with the greatest relative capacity to host refugees, would be asked to accept a number of refugees up to 10% of that State's total capacity as calculated using the agreed criteria. Once a State had reached this number the system would move to the next State, and so on, until all of the refugees who needed to be relocated were able to move. Because the system would only be triggered in acute contexts, and because no State would be asked to take more than 10% of its maximum capacity, this system would not only share responsibility but do so in a way that assured States that they would receive relatively low numbers of refugees.

Only countries of first asylum would ever be hosting close to 100% of their capacity – but this capacity would be defined in relation to their actual capacity to host the refugees, not simply (as is the case today) by how many people happen to arrive. By alleviating acute situations in countries of first asylum, there is less incentive for people to try to leave those countries and enter other countries irregularly and unsafely.

RESETTLEMENT AND REDISTRIBUTION/TRANSFER – TWO DIFFERENT MECHANISMS

“Resettlement” in UN refugee terminology refers to resettlement of refugees who meet UNHCR’s vulnerability criteria. It is a distinct concept. Therefore AI uses “resettlement” only in relation to refugees who meet the UNHCR vulnerability criteria. When we speak about other contexts whereby refugees are moving from one country of asylum to another, we use different language.

Amnesty International’s proposals for a new mechanism for resettling vulnerable refugees and a new global transfer mechanism for acute situations are two distinct and different proposals. The first is about a much more effective means of resettling vulnerable refugees. The second proposal would be triggered only in certain contexts where a country hosting refugees received large numbers, beyond what it could reasonably cope with.

3. Guaranteed full, flexible and predictable funding for refugee protection and meaningful financial support to countries hosting large numbers of refugees

UN humanitarian appeals - the appeals by UN agencies to States to fund their humanitarian activities, including refugee protection and assistance - are consistently and often severely underfunded. Amnesty International is calling on States to increase their contributions to UN inter-agency humanitarian appeals for refugees, and to publish annually the amounts they commit and disburse.

In the case of countries hosting large refugee populations, States should also provide bi-lateral assistance – both financial and technical support, depending on the host country's needs – to enable the host State to provide support to refugees and asylum-seekers, including ensuring access to adequate shelter, food, healthcare and education. The extent of such bi-lateral assistance should also be published annually.

Although a flexible approach to responsibility-sharing may allow States to contribute in different ways to a common response, financial support to the countries hosting large numbers of refugees and asylum-seekers in times of crisis should not be considered as a substitute for, or come at the expense of, programs to accept people in need of protection, such as: contributions to resettlement;

accepting the transfer of refugees from countries that have exceeded their ability to cope; or the admission of asylum-seekers at the border. In other words, wealthy countries cannot avoid taking their share of the responsibility for hosting and assisting refugees by paying other countries to do so (“responsibility-shifting”).

4. Strengthened refugee status determination systems and increased use of prima facie recognition of refugee status

Refugee status determination (RSD), whether carried out by State authorities or UNHCR, must ensure that individuals who are in need of international protection are recognized as such and given the protection to which they are entitled. Access to fair and effective RSD procedures must be granted to all asylum-seekers under a State’s jurisdiction.

Where people seeking international protection arrive in large numbers and at a sustained rate, individual determination of their claims for refugee status may become impracticable or ineffective. If most of those arriving can be deemed to be refugees on the basis of objective information related to the circumstances in their country of origin, States should accord refugee status to members of a particular group on a prima facie (presumptive) basis.

Prima facie determination of refugee status does not mean open borders; it is a practical solution to the practical problem of determining refugee status for many thousands of people at a time, after they have reached a country of asylum. Receiving refugees and asylum-seekers in an orderly, organized and humane manner would ensure protection needs are met and would make the assessment of any security risks easier.

5. All countries should put in place policies and systems that ensure effective protection for refugees and asylum-seekers and enable them to meet their basic needs in a manner consistent with human rights and dignity

Currently many countries in which refugees are living do not have in place systems that provide proper protection in line with international law and standards, and refugees and asylum-seekers face significant challenges accessing adequate shelter, food, sanitation and health care. Amnesty International is calling for all countries to put in place systems to protect refugees. In addition, a major challenge to enabling refugees and asylum-seekers to meet their basic needs (adequate shelter, food, water, electricity, access to healthcare and education), is the lack of financial resources. This is why Amnesty International’s first and central recommendations are on responsibility-sharing. Responsibility-sharing is essential to ensure the realization of the rights of all refugees and asylum-seekers.

However, while acknowledging that many developing economies face serious resource challenges, this does not absolve them of their obligations under international law to ensure at least minimum essential levels of housing, food, water, sanitation, health and other rights for refugees. States need to put in place plans to move from emergency support to enabling refugees to live with dignity and integrate fully in the host countries. This can include enabling refugees and asylum-seekers to live within host communities and seek employment.

Amnesty International recognizes that limitations many States face with regard to providing housing or work authorizations, particularly where a country is hosting large numbers of refugees. But all States should be proactive in their efforts to enable refugees and asylum-seekers to meet their basic needs, and live with dignity, and should seek international support to this end.

SOLVING THE PROBLEM BY FACING THE PROBLEM

Efforts to address the global refugee crisis have, thus far, been ad-hoc, with the solutions proposed not only failing to address even a small fraction of the actual needs, but often based on measures to ensure that the wealthiest countries face the least disruption. Many of the world's wealthiest countries have devoted significant resources to ensure that refugee populations remain in less wealthy countries - shirking rather than sharing responsibility.

There are 20 million refugees in the world. They need, and have a right to, a safe dignified life. 86% are living in developing or middle income countries. 20 million people is a fact. 86% in low and middle income countries is a fact. We cannot go on proposing solutions that fail to address the facts. Our response to the global refugee crisis must be a full response with a fair sharing of responsibility. And it is entirely achievable. The total refugee population of 20 million is just 0.3% of the population of the planet. Amnesty International believes that it is possible, if States will share the responsibility, to ensure that these people who have lost their homes, through no fault of their own, can rebuild their lives in safety elsewhere. This is what we are calling on world leaders to commit to at the major UN summit on the refugee crisis in September.



A child onboard a boat abandoned by its crew off the coast of Thailand and Malaysia. The several hundred passengers, believed to be from Myanmar or Bangladesh, were left without food and water and in urgent need of medical care, May 2015 © Thapanee letsrichai

