

ANNUAL CONSULTATIONS WITH NGOS
14 – 16 JUNE 2017
International Conference Center Geneva

DISCUSSION PAPER

Session title: **Legal Frameworks: the centrality of legal instruments in ensuring access to refugee rights, in particular ‘work rights’**

Date: ***Wednesday 14 June***

Time/Room: ***16h30 – 18h30 – Room 3***

Background:

Developing a legal framework, grounded in international law and solidified in national legislation, is essential to provide asylum-seekers and refugees’ access to rights, including work rights, and to promote solutions. Encouraging refugee self-reliance through expanding access to labour markets reflects one of the main principles of the New York Declaration for Refugees and Migrants and the Comprehensive Refugee Response Framework. The 1951 Refugee Convention, various international and regional human rights instruments, as well as the commitments made in the New York Declaration envisage refugees enjoying access to gainful employment in safety and dignity. Despite these guarantees, refugees continue to face legal and practical barriers that preclude them from realizing this in full.

Through the lens of international and national refugee law instruments, the session will explore how legal frameworks are essential for refugees to access their rights, in particular regarding safe and gainful employment. The session will offer case studies on successful models for using ‘the law’ and dismantling barriers, allowing refugees to enjoy access to work in 1951 Refugee Convention states and non-Convention states. Following an interactive dialogue with panelists and participants, the session will develop a list of baseline principles and identify best practices on using global, regional and national legal instruments, in particular to promote refugee work rights for consideration in the development of the Global Compact on Refugees and its Programme of Action.

Objectives of the session:

Participants will develop a critical understanding of how international and national refugee law instruments contribute to refugees’ access to their rights, in particular work rights, in different legal landscapes and identify best practices that can be replicated in various contexts. From that analysis, audience participants will reflect on their own contexts and share responses and new ways they have seen barriers and successes to improving the refugee rights landscape in their contexts. With

this analysis, the panellists and audience participants will generate a universal set of principles and actions, which can be included in the Global Compact on Refugees and its Programme of Action.

Desired outcome of the session:

The desired outcome of this session is a preliminary set of universal principles and actions that can feed into the drafting of the 2017 Annual Report of Annual Consultations with NGOs and can be considered for inclusion in the Global Compact on Refugees and its Programme of Action.

Methodology:

The session will start with each panellist offering 10-12 minutes case study on refugee work rights in their particular legal landscapes, thereby focusing on linking the presence (or absence) of international and/or national legal instruments with refugee's access to gainful employment. The participants will reference a 'legal protection continuum' developed by Asylum Access that demonstrates a continuum of legal frameworks from (1) no legal framework (with low political will), to (2) inadequate national legal framework (with marginal political will), and (3) national legal framework in place (with some demonstrated political will). Audience participants will also indicate through cue cards the placement of their country on the 'legal protection continuum' and will be asked to participate in offering proposals for improving a country's position along the continuum. A summary of best practices and universal principles will be drawn by the moderator and presented to the participants.

Agenda:

1. Intros of speakers (10 mins)
2. Intro of presentation (10 mins)
 - a. Legal protection continuum – introduced by the facilitator
 - b. Questions for Presenters:
 - i. Where is your country along the legal protection continuum?
 - ii. Explain the refugee experience?
 - iii. What needs to change to move your country along the continuum?
3. Presenters
 - a. Asia presenter (10-12 mins) Deepa, APRRN/ Asylum Access, Malaysia
 - b. Middle East Presenter (10-12 mins) Hatem, Support to Life, Turkey
 - c. Africa Presenter (10-12 mins) Odeth, Nsamizi Training Institute, Uganda
 - d. Latin America (10-12 mins) Karina, Asylum Access Latin America
4. Q&A (facilitator) (10 mins)
 - a. Facilitator will summarize presentations and ask questions to the presenters
5. Questions for Audience (30 mins)
 - a. With use of cue cards, audience indicates what region they are in, and where they along the Legal Protection Continuum (5 mins)
 - b. Presentations from each region from audience and engagement by panelists and facilitator
 - i. Presentation from 1-2 from Asia (10 mins)
 - ii. Presentation from 1-2 Mid East/ Africa (10 mins)
 - iii. Presentation from 1-2 Latin America (10 mins)
 - iv. Presentation from 1-2 Europe/North America/Oceania (10 mins)