

PARIS APPEAL BY REFUGEES AT THE FRENCH NATIONAL ASSEMBLY
16 June 2001

PARIS APPEAL
PREAMBLE

The world is witnessing unprecedented growth in the number of refugees and displaced persons because of wars, persecution and all forms of oppression. As shown by recent events in the Balkans and in Rwanda, entire ethnic and religious communities—victims of massive violations of human rights—have been forced to leave their country. More generally, these men, these women, and these children flee ‘owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion’ (Geneva Convention relating to the Status of Refugees of 28 July 1951, Article 1).

At the end of the year 2000, the United Nations High Commissioner's Office for Refugees (UNHCR) was assisting more than twenty-two million refugees and displaced persons throughout the world (without counting the three and a half million Palestinian refugees who are the responsibility of another UN body, UNRWA). No region in the world is spared this tragedy. Today 50% of these people are natives of Afghanistan, Liberia, Sierra Leone, Bosnia Herzegovina, Iraq and Rwanda. A very large majority of these refugees are women and children. For most of them, the poor living conditions, the great material and moral misery, and the risk for women and children in particular of being victims of further violence, come in addition to persecution and the pain of being wrenched from their countries of origin.

This human dimension is accompanied by international and demographic aspects causing grave concern. Large scale refugee movements affect regional stability and international security. The reception of large numbers of refugees often leads to socio-economic difficulties for countries of asylum. Most often indeed the poorest countries are those receiving them massively. Guinea, 40% of whose inhabitants live below the poverty threshold, is today home to more than three hundred thousand Sierra Leoneans fleeing war in their own country and to more than one hundred thousand Liberians. The same applies in Pakistan—home to nearly two million Afghans.

Simultaneously, all the rich countries are faced with the arrival of large populations and are implementing increasingly strict controls at their borders aimed at preventing economic migrants from entering their territory. They also promote dissuasive measures in the countries of origin. These measures may prevent the persecuted from fleeing persecution and from seeking and finding a land of welcome.

Aware of this situation, the Assembly of Refugees, meeting in Paris on the occasion of the fiftieth anniversary of the Geneva Convention of 28 July 1951, has decided to launch an urgent appeal to the States Parties and to the States which have not already ratified it. The former are solemnly reminded of their commitments and the latter are called on to ratify the Convention.

The Geneva Convention, completed by the Protocol of 31 January 1967, forms the heart of the international protection regime for refugees. These two texts define the term ‘refugee’ and determine the applicable legal status, in other words the rights and obligations in countries of

asylum. They afford a specific international legal regime for those who could not enjoy national protection against persecution.

The Geneva Convention has shown, over the past fifty years, its efficacy and ease of adaptation, which have allowed it to protect millions of people on all the continents and in the widest variety of circumstances. Also, pursuant to this Convention and on the basis of the mandate entrusted to it by the UN General Assembly, the UNHCR provides its legal and material assistance to these millions of refugees and displaced persons who, without its intervention, would be abandoned to violence, persecution and oppression.

To allow the Convention to be fully effective, States Parties should refrain from making restrictive interpretations, particularly regarding the origin of persecutions. It is therefore essential that States ensure it is fully and entirely respected, in cooperation with the UNHCR to which the Convention entrusts the mission of ensuring its measures are applied. Also, they should give it the necessary financial resources to carry out its programmes and activities.

The first duty of States is to allow, at least temporarily, asylum seekers to enter their territory in order to start the procedures with a view to being recognised as refugees and to enjoy the lasting protection which their State does not grant them.

While it is the responsibility of States, as part of their sovereign rights, to regulate the conditions of entry and sojourn of foreigners in their territory, this should not lead them to ignoring the difference between foreigners wishing to settle in another country than their own for economic and social reasons and asylum seekers seeking protection against persecution. Consequently, States that implement measures aimed at preventing economic migrants from entering their territory should in no case apply them to asylum seekers.

States should respect scrupulously the non-refoulement principle which forbids them to send back, in whatever manner, a refugee or an asylum seeker to the country where he/she is exposed to risks for his/her life or freedom.

Asylum seekers should, until the final decision regarding their application, be considered as needing the protection they request. They should not be treated as delinquents and any detention measure taken against them, limiting their fundamental freedom to come and go, should be banned.

After entering the territory, asylum seekers should have access to a fair, equitable and effective procedure determining their capacity as refugees. They should enjoy the free assistance of a barrister, before an impartial and independent authority, which should give a ruling in a reasonable length of time and whose decision should be susceptible of an appeal having suspensive effect before a judicial body. Throughout this procedure they should enjoy decent living conditions reflecting due regard for human dignity, which comprise in particular accommodation, social protection, the right for adults to exercise a professional activity and schooling for children.

In some countries, refugee security is the foremost concern. Refugee camps, especially when close to the border with the country of origin, are particularly exposed to militarisation. The presence of armed elements in camps presents serious risks for refugee security. It is therefore the responsibility of States to separate servicemen from refugees. Preserving the civil and humanitarian character of camps and opposing any form of forced enlistment of refugees remains a priority.

Persons belonging to the most vulnerable groups—women, children, the elderly and the handicapped—should be the subject of special attention and of measures taking their specific needs into account. For instance the physical security of women is a major concern, particularly protecting them against rape and other forms of sexual violence. Seeking the families of isolated children is also a major issue.

Violence also affects humanitarian personnel. The recent assassinations and kidnappings of several members of the UNHCR and other international and non-governmental organisations in Timor, Guinea, the Congo and Chechnya have shown the risks they incur. The capacity of these men and women to offer assistance to refugees and displaced persons depends on their access to these populations and on the security conditions in which they operate.

Massive influxes of refugees most often concern countries with limited resources. It is therefore essential, in the name of the principle of international solidarity, that the other States cooperate with them to cope with the economic, environmental and social consequences of these influxes.

Voluntary repatriation of refugees to their countries of origin represents the most desirable solution. States should therefore address the underlying causes of forced displacements, by encouraging economic development, reconstruction and reconciliation with due regard for human rights and the rule of law. If repatriation is not possible or if it is not desired by refugees themselves, it lies with States and citizens to promote the integration of refugees in countries of asylum.

The States Parties to the Geneva Convention as well as the representatives of several international organisations will meet in Geneva on 12 December 2001 to guarantee the efficacy of the international protection regime for refugees in the coming decades. The Assembly of Refugees calls on the representatives of the international community at that meeting to take the Paris Appeal into account.

PARIS APPEAL

WE, refugees, meeting in the hemicycle of the National Assembly in Paris on the occasion of the fiftieth anniversary of the Geneva Convention,

DECLARE:

1. That the Geneva Convention relating to the Status of Refugees of 28 July 1951, completed by the New York Protocol of 31 January 1967, has been for the past fifty years and remains the fundamental instrument for the international protection of refugees;
2. That States which have not yet signed and ratified it, should do so;
3. That States Parties to the Convention should ensure it is fully and entirely respected, in cooperation with the United Nations High Commissioner's Office for Refugees (UNHCR) to which the Convention entrusts the mission of ensuring it is implemented;
4. That States should in particular refrain from limiting their obligations under the Geneva Convention by restrictive interpretations, in breach of its letter and spirit, which deprive from its protection persons who could enjoy it;
5. That, while it is the responsibility of States to regulate the entry and sojourn of foreigners in their territory, this should not lead them to ignoring the difference between foreigners wishing to settle in another country than their own for economic and social reasons and asylum seekers seeking protection against the persecution of which they are or are likely to be victims in their country; accordingly States should allow asylum seekers to gain access to their territory;
6. That, in accordance with the non-refoulement principle, States should in no case send back, in whatever manner and for whatever reason, a refugee or an asylum seeker to a country where he/she is exposed to persecutions or risks for his/her life or freedom;
7. That, as freedom of movement is a fundamental freedom, any restriction of this freedom and particularly any detention measure taken against asylum seekers and refugees, should be banned;
8. That asylum seekers should have access to a fair, equitable and effective procedure determining their status as refugees, before an impartial and independent authority, which should give a ruling in a reasonable length of time;
9. That, during this procedure, asylum seekers should enjoy living conditions reflecting due regard for human dignity, which comprise in particular accommodation, social protection, the right for adults to exercise a professional activity and schooling for children;
10. That women, children, the elderly and the handicapped should enjoy protection adapted to their specific situation;

11. That States should preserve the civil character of asylum and ensure the physical security of refugees and displaced persons; that, consequently, they should ensure that armed servicemen are separated from civil populations and oppose any forced enlistment of refugees, particularly that of children;

12. That the access of the UNHCR and humanitarian organisations to refugees and displaced persons should be guaranteed in all circumstances and their security ensured so that they can provide aid and assistance to these persons;

13. That States should address the deep-rooted causes of forced displacements, by means of economic development, reconstruction and reconciliation, with due regard for human rights; the right to voluntary repatriation will thus be guaranteed;

14. That the economically most developed States should, in the name of the principle of international solidarity, help the least favoured countries to cope with the burden of receiving refugees and displaced persons;

15. That all States should fund UNHCR programmes and support its activities to allow it to fulfil the mandate they have entrusted to it;

16. That citizens also should participate in receiving and integrating refugees, through their individual or collective action, and combat racism and xenophobia.

WE, refugees,
INVITE

The States meeting in Geneva on 12 December 2001 to celebrate the anniversary of the Geneva Convention and strengthen its efficacy, to heed this Appeal.