

**63rd Meeting of the Standing Committee of the Executive Committee of the High  
Commissioner's Programme, Geneva, 24 – 26 June 2015  
Agenda item 2: International Protection**

**Statement by Volker Türk  
Assistant High Commissioner for Protection**

Mr Chairman, distinguished delegates, ladies, and gentlemen,

I am pleased to introduce the protection agenda item of the June Standing Committee. To inform the debate, we have made available online the annual *Note on International Protection* as well as conference room papers on specific aspects of protection, including *Alternatives to detention; Community-based protection and age, gender and diversity; Update on statelessness; and Solution strategies*. My colleagues will briefly present these papers as we proceed through the agenda. I would also like to take this opportunity to introduce and warmly welcome the new Director of the Division of International Protection, Ms Carol Batchelor, who will be working closely with me in the years to come.

Mr Chairman,

We are facing unprecedented protection challenges around the world, not least as a result of the growing magnitude, scale, and complexity of displacement and statelessness. The figures in the *2014 Global Trends* report are a call to action on many fronts, as growing numbers of people have been uprooted by new or ongoing crises. Nearly 42,500 persons were forcibly displaced every day last year due to conflict, violence, and persecution – meaning that in a single year, the global total increased by 13.9 million to reach a staggering 59.5 million people. More than one-third were refugees and asylum-seekers, and two-thirds were internally displaced. Moreover, 10 million people were estimated to be affected by statelessness, although only around one-third of them were reported to be stateless by governments. Developing countries continued to host the vast majority of the global refugee population, with Turkey today hosting the most refugees, followed closely by Pakistan, the Islamic Republic of Iran, Ethiopia, and Jordan. More than one-quarter of Lebanon's inhabitants are refugees, and well over half of all refugees globally came from only three countries: the Syrian Arab Republic, Afghanistan, and Somalia.

The picture on the protection front is mixed. We continue to witness incredible generosity and compassion around the world, as I saw recently while on mission in Iraq, where innovative protection measures emerged from a sense of shared purpose within refugee and host communities. Huge advances have been made on the statelessness front, although there has also been arbitrary deprivation of nationality in some instances. We are also particularly encouraged by the forward-looking approach coming from Latin America through the Cartagena +30 process, which profited from consultations with Governments and over 150 civil society organizations, addressing such issues as forced displacement caused by organized crime, the complexities of mixed migration flows, and labour mobility in the context of MERCOSUR. This process led to the landmark *Brazil Declaration* and Plan of Action adopted last December, which upholds international protection principles, builds upon the progressive jurisprudence of the Inter-American Human Rights System, and contains innovative protection programmes within a regional framework of solidarity, shared responsibility, and cooperation.

At the same time, we are confronted with shrinking asylum space on all continents, complex maritime issues, the wilful denial of protection, the pervasive use of sexual violence in conflict, widespread forced

recruitment of children, and escalating large-scale influxes – often into the most impoverished parts of the world. In light of the high numbers and attendant complexities, there has been a surge in public debates about migration, mobility, and even asylum around the world, and we need to ensure that the discourse is informed by rational conversation and not by emotion. In these testing times, we must embrace the very foundations of our societies to ensure that we do not lose sight of our fundamental values and the protection safeguards we created precisely to respond to such challenges. One of these core values is the rule of law, which is necessary to ensure respect for the rights and dignity of all persons – it is the voice of reason amidst the turmoil of our times. It is against this background that we have chosen the rule of law as the main theme for this year’s Note on International Protection. As our contribution to fostering conditions where the rule of law may flourish, we have chosen the topic of root causes as the theme for this year’s “High Commissioner’s Dialogue on Protection Challenges”, on 16 and 17 December.

During the Executive Committee meeting in October, I will provide a comprehensive update on protection. Today, however, I will focus on three specific areas of note, including movements over land or by sea, operational challenges, and solutions:

First, let me elaborate on the issue of movements across several countries by land or sea. The number of persons fleeing conflict and violence has reached an historic high and shows no signs of abating. It is creating pressures on countries of first asylum where rising needs are not met with a commensurate increase in resources, compelling many refugees to travel in search of safety and stability further afield. Deteriorating security situations, restricted land borders, and the absence of safe alternative pathways to safety often compel people to turn to human smuggling and trafficking networks, which can place refugees and migrants at increased risk of human rights violations, violence, exploitation, and even death.

This is certainly one of the issues that has preoccupied us most, as we have witnessed the tragic loss of life at sea, heard testimonies of abuse and torture, and discovered mass graves. Although a lot of attention has been paid to the situations in the Mediterranean and South East Asia, we must remember that this is a global phenomenon and keep our sights on its emergence in other parts of the world. We have seen a rise in people fleeing Yemen by boat across the Gulf of Aden to countries in the Horn of Africa, and more than 140 incidents at sea involving some 4,700 persons in the Caribbean were reported last year. It was therefore timely that we dedicated last year’s High Commissioner’s Dialogue to the topic of protection at sea, and are encouraged by the rise in interest and follow-up at national, regional, and global levels.

Protection at sea begins on land. Movements over land, while attracting less attention, are often equally dangerous, as we have heard from those who moved from the Horn of Africa towards North Africa and the Middle East and have been held for ransom and tortured; or who crossed the Sahel; or who jumped onto the perilous *Bestia* – the freight train carrying people escaping violence in the Northern Triangle of Central America, from where over 140,000 persons, nearly half of whom were unaccompanied or separated children, fled to the United States of America over the past year alone.

These movements are mixed, consisting of both people seeking better economic and social opportunities and increasingly refugees. There has been a six-fold increase of mostly refugee arrivals in Greece. The majority of those leaving Central America for the United States of America are refugees. Similarly, those from the Horn of Africa ending up in Libya are also predominantly refugees, and a sizeable number on boats in the Bay of Bengal and Andaman Sea are Rohingya refugees from Myanmar.

There are no quick fixes or easy solutions for this phenomenon. The response needs to be collective, far-reaching, and comprehensive. It needs to be based on fundamental principles of humanity, access to asylum, solidarity, and respect for human rights. It must aim both to prevent further loss of life and ensure the protection of those rescued. It also requires peace-making in conflict zones, strengthened protection mechanisms, and more humanitarian and development cooperation.

There have already been a number of positive regional developments going in this direction. We are encouraged by the European Union action for more search and rescue as well as proposals for relocation and resettlement – which we hope that Member States will adopt not only in the short-term, but also as

part of a longer-term annual commitment. In South East Asia, the “Special Meeting on Irregular Migration in the Indian Ocean”, convened last month, resulted in recommendations to strengthen law-enforcement cooperation to address smuggling and trafficking; enhance legal, affordable, and safe migration channels in the region; and address root causes through local capacity-building, livelihood opportunities, development assistance, and access to basic rights and services. Also in May, we welcomed Sudan’s endorsement of the 2015-2017 *Joint UN Strategy to Address Human Trafficking, Kidnappings and Smuggling of Persons in Sudan*, which provided a framework for action in follow-up to the Khartoum process, and focused notably on prevention, victim identification, assistance, and protection, as well as legal alternatives to onward movements through self-reliance programmes, private sponsorship, and family reunification. UNHCR further welcomed the launch of an “asylum and international protection” pillar in the on-going “Rabat Process” [Euro-African Dialogue on Migration and Development], and is encouraged by the conclusions adopted last week on strengthening asylum systems in the countries of the region.

In response, we are currently in the process of developing guidance on responding to asylum-seekers and refugees who move onward for protection and other reasons. In collaboration with the International Maritime Organization and the International Chamber of Shipping, we also updated legal and practical guidance for parties involved in rescue at sea situations.<sup>1</sup> We have additionally stepped up our operational footprint, recently launching the *Special Mediterranean Initiative*, the *Bay of Bengal and Andaman Sea Initiative*, and the *Yemen Situation – Emergency Response*. These initiatives include coordinated action in host, transit, and destination countries to prevent and respond to onward movements by sea. Response measures range from search and rescue, to safe disembarkation, protection monitoring, access to asylum and temporary stay, and information and counselling. These measures are complemented by strategies to address root causes, including significant and sustained economic, social, and legal development in countries of origin, asylum, and transit to provide safe alternatives to dangerous journeys by sea. We look forward to discussing comprehensive approaches to protection at sea during the side event on this topic we are organizing at lunchtime on 25 June.

In a troubling development over the last year, a number of countries around the world have unfortunately adopted a predominantly security-minded approach and taken measures focused heavily on border control, deterrence, and “stemming the tide” of people before they even reach safety. For those who make it, whether by sea or by land, a number of countries have simply detained them. We need to work more on demonstrating that border security and refugee protection are not mutually exclusive. We have seen time and again how measures aiming to deter people from seeking refuge are ineffective and at variance with international law. Moreover, ample research demonstrates that families and children in particular suffer from being detained. This is one of the reasons we launched the global strategy – *Beyond Detention* – to end the detention of children, ensure that alternatives to detention are available in law and implemented in practice, and improve conditions in detention where it is used as a measure of last resort.

I would now like to turn to the second part of my remarks, looking at our own operations. The Assistant High Commissioner for Operations conducted the Annual Programme Review in close consultation with me in May. I would like to share with you some of the highlights of this review, from a protection perspective.

There were many positive findings. Our strategies on child protection, education, and SGBV prevention and response have drawn attention effectively to the needs of children, youth, and survivors of violence in our planning and prioritization. We have made significant progress, in cooperation with Governments and partners, in securing refugee children’s access to national education, although accessing national child protection systems and birth registration remains a pernicious obstacle. We have almost doubled the percentage of unaccompanied or separated children who have undergone a Best Interests process. The

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<sup>1</sup> See *Rescue at Sea. A Guide to Principles and Practice as Applied to Refugees and Migrants*, available at <http://www.refworld.org/docid/54b365554.html>. UNHCR also publicly issued a compilation of reference materials, including treaty excerpts, UNHCR papers, ExCom conclusions, and IMO guidelines: *Rescue at Sea, Stowaways and Maritime Interception: Selected Reference Materials*, available at <http://www.refworld.org/docid/4ec087492.html>.

*Beyond Detention* strategy has now been used by 12 of our operations as a blueprint for working to end the detention, particularly of children. Strengthening women's participation remains a high priority, and women now comprise 46 per cent of community leadership members. In addition, reporting of sexual and gender-based violence incidents has doubled, signifying that our efforts to strengthen services for survivors and raise awareness in communities have enabled more women, men, and children to come forward seeking redress or support. For a second year, our operations have used the provisional guidance on UNHCR's engagement in situations of internal displacement to plan with partners for a more predictable response to the needs of IDPs and for effective leadership of protection clusters.

We further remain steadfast in our commitment to an age, gender, and diversity approach in our programming and as a centerpiece of our accountability towards persons of concern. All our operations have submitted accountability reports, and our programs are shaped by participatory assessments that enable those we serve to speak of their needs and protection concerns as an integral part of our planning cycle. We want to remain a learning organization, not least in order to ensure that protection considerations infuse all our programming. We have just published the second *Global Child Protection, Education & SGBV Strategy Implementation Report*, which monitors progress, provides invaluable feedback, and helps us chart the way for the future.

Even with these clear advances, however, UNHCR is becoming dangerously overstretched. As we mobilize our resources to respond to new and ongoing emergencies, our ability to maintain basic standards is constantly tested, and the full potential of some of our most ambitious and innovative programmes may not be realized. It is an inescapable reality that in all regions, States face unprecedented challenges in responding to displacement and increasing mobility. Multiplying conflicts, statelessness, human rights violations, and other drivers of movement are having a devastating impact on individuals and the communities that host them. With high levels of unpredictability and insecurity likely to continue in many States, the outlook for our operations in 2016 is a source of deep concern. We will continue to face critical gaps in our efforts to advance protection, assistance, and solutions, despite the generosity of host States and our donors. This requires additional support, but also new thinking about our approach.

For instance, more than half of the world's refugees are now children and youth, but only half go to primary school, and only one in four to secondary school. Without more support for their education, they cannot develop the skills they need for building their own lives and rebuilding their countries. We are encouraged by the Incheon Declaration for Education, ensuring safe, quality education for every child, young person, and adult by 2030, which explicitly includes children affected by conflict and crisis, including refugees and IDPs. This represents an important breakthrough and welcome recognition of the importance of education in crisis situations to meet the global targets set out in *Education for All*.

Rising numbers of asylum-seekers and resource constraints also challenge our ability to register and determine the status of refugees efficiently in countries where asylum procedures are restrictive or have not yet been established. In 2014 alone, more than 245,700 individuals sought refugee status determination by UNHCR. When backlogs grow, refugees may be at increased risk of *refoulement*, languishing needlessly in detention, or unable to exercise basic rights. It is essential to promote the full assumption of State responsibility for refugee status determination [RSD], while looking at ways we can better safeguard and increase access to international protection. Over the coming months we will be developing our thinking along these lines to identify priorities and ensure the most effective use of limited resources for RSD in the face of growing numbers in need.

Also, we face critical gaps in supporting host communities. Our operations place a greater emphasis on solutions for refugees and internally displaced people, and our programmes focus more concertedly on fostering co-existence and resilience from the onset of displacement. However, as we are confronted with funding shortfalls, our investments in labour mobility and freedom-to-work initiatives that can unlock pathways to integration or facilitate self-reliance after repatriation will remain limited.

Moreover, shorter-term targets or priorities need to be closely aligned with longer-term strategic thinking. Funding connected to key performance indicators and results-based management can help to gauge

progress from one year to the next. At the same time, we must keep in our sights the longer-term project of enabling economic, social, and legal environments that will ensure the protection of refugees, internally displaced persons, stateless people, and other persons of concern to UNHCR. This necessitates fundamental changes and shifts in attitude and approach which can often be more challenging to measure.

Lastly, I would like to move to the subject of solutions. In 2014, we saw the lowest level of refugee repatriation in over three decades, with 126,800 refugees returning to their countries of origin. Resettlement was provided by 26 countries to 105,200 refugees – around 10 per cent of all refugees with identified resettlement needs. Hence, durable solutions continued to benefit only a fraction of the world's refugees, requiring us all to revisit our thinking, reinvigorate commitments, and use more creativity in the search for solutions.

I would like to stress one particular aspect of solutions, which UNHCR will pursue vigorously in the years to come. With dwindling resources, limited prospects for return, and ever-increasing needs, refugees in particular, but also internally displaced persons, will need to find ways and means to survive, ideally by becoming productive members of their host communities. This will require that they be able to develop livelihoods and work. We know that lack of such opportunities in host countries is a driver behind many onward movements. Our work on solutions generally and labour mobility in particular, will therefore increasingly need to focus on creating labour opportunities for refugees. We would like to forge even stronger partnerships with others, in particular the International Labour Organization [ILO].

The right to work is essential to the realisation of other human rights and to preserve dignity. Work enables individuals and families to receive income, maintain or develop human capital, and contribute to the development of their communities. For refugees, work is a fundamental step forward in the reestablishment of a normal life and a sense of agency, and is central to the attainment of an adequate standard of living. Refugees are better prepared for solutions when their time in asylum is spent actively and constructively, and refugees who use and develop their skills will be more resilient than if they spend a protracted period compelled to rely upon humanitarian aid.

Increased focus on labour opportunities will not mean humanitarian and development assistance will cease. Allowing refugees to access labour mobility opportunities in countries of asylum or third countries would simply recognise and regularise what has already been happening in the informal labour market for many years, thereby ensuring safer and more dignified conditions of work. Employment opportunities can benefit refugees, employers, and the countries that provide them with protection, as refugees contribute to the economy and fill in labour gaps, which in turn can facilitate tolerance and greater social cohesion. Mobility provisions that go so far as to allow for eventual permanent residency or a pathway to naturalisation can also encourage better integration. This would be a win-win situation for both refugees and labour markets around the world.

UNHCR is working towards this goal with regional organisations such as the Economic Community of West African States [ECOWAS], the African Union, States, and private entities to develop labour mobility schemes, income-generating activities, sustainable reintegration, skills development, and regularisation of status in more than 33 countries. We note positive developments in the access of refugees to the labour market in Brazil, Costa Rica, Ecuador, the Islamic Republic of Iran, and Turkey, to name a few recent examples. Also, as stated in recent Joint Statements by the Principals of UNHCR, OHCHR, IOM, and the SRSG for Migration and Development, expanding avenues for safe and legal migration, including for labour migration at all skill levels, protects the lives of those on the move in search of safety and fleeing persecution, abject poverty, deprivation, discrimination, and abuse. We have been encouraged by the many civil society initiatives in this area and look forward to working with all regions in the world on making this a concrete reality. These are all positive steps, but we are merely at the beginning and need to keep up the momentum.

Another key focus of our solutions work is ending statelessness. Last year, UNHCR launched an ambitious 10-year #IBelong Campaign to end statelessness, and I am encouraged that many of our operations have taken up the challenge in their joint planning with Governments and partners. The global response has

been heartening. Public support for the #IBelong Campaign has been reinforced at international levels in a UN General Assembly Resolution, the UN Secretary General's 2015 Opening Address, and during "The 14th World Summit of Nobel Peace Laureates" in Rome. Regionally, in the *Brazil Declaration and Plan of Action*, 28 Latin American and Caribbean States committed to ending statelessness by the year 2024. A "Ministerial Conference on Civil Registration and Vital Statistics in Asia and the Pacific" endorsed the goal of universal civil registration with a view to preventing statelessness. In West Africa, a major conference on statelessness was organised by ECOWAS and UNHCR in February 2015, resulting in the *Abidjan Declaration* which urged the adoption of a *Protocol on the Right to a Nationality in Africa*. In March, I participated in a "High Level Side Event on Equal Nationality Rights" as part of this year's Commission on the Status of Women. We are using this momentum to continue advocacy with the 27 States that do not give mothers equal rights as fathers when it comes to conferring nationality upon their children. This anomaly is, as you know, a major cause of statelessness around the world. We hope to see commitments for law reform to address this at the "Global Leaders' Commitment Forum on Gender Equality and Women's Empowerment" planned for September 2015 in New York.

At the national level, we have also seen robust responses to the Campaign's call to action. Some twenty States have held national launches of the #IBelong Campaign, and a number have adopted or are taking steps to establish national action plans to end statelessness. Other States have taken practical steps, from mapping studies in Finland, Iceland, and Malta, to law reforms in Estonia, Hungary, and Benin, which will help to better understand the situation of particular stateless populations and the conditions in which they live, prevent new cases of statelessness, and give those living in protracted situations of statelessness a chance to acquire a nationality. Since the launch of the Campaign, there have also been new accessions to the statelessness conventions by Niger, Argentina, Peru, El Salvador, and Turkey.

In 2015 and 2016, we will shine the spotlight on the plight of stateless children. Every ten minutes a stateless child is born, and putting a stop to childhood statelessness will prevent the problem from growing and being passed down through generations. We expect to release a special report on the impact of statelessness on children and youth to coincide with the one year anniversary of the Campaign this November. We count on the continued support of Member States and the international community as a whole as we look ahead to 2017 as the first "milestone year" against which we will be measuring progress towards achievement of the targets of our Campaign.

It is clear that much more needs to be done in order for us to make resolute progress towards resolving major, protracted situations of statelessness. While these are difficult and often sensitive issues, we cannot afford to let the opportunities the Campaign presents for encouraging the necessary political will and coalition-building to slip by. In the coming months, we will continue to strengthen our outreach in this area.

Mr Chairman,

Let me conclude by saying that the world has a proud, long-standing tradition of generosity to those caught in conflict or fleeing persecution, by providing asylum, contributing substantially to humanitarian operations worldwide, and caring deeply about the plight of those affected. Upholding this tradition has become ever more urgent and relevant today. My role is to provide support, leadership, and guidance on protection in all its manifestations for all people of concern to the organisation, starting with our daily contact with them as we accompany them through the cycle of displacement. Working closely with the delegations represented here, including the IGOs and NGOs, will be crucial in this respect, and I am confident that we will be able to do so in a spirit of constructive partnership, precisely in an effort to honour this fundamental tradition of humanity.