

Security and international refugee protection – UNHCR's perspective

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Mr Chairperson,
Distinguished participants,

At the outset, let me thank INTERPOL for the opportunity to address this Conference and offer UNHCR's perspective.

It is particularly welcome that questions of refugee protection are included in your discussions on law enforcement and policing challenges arising in Europe in the context of large-scale movements of refugees and migrants.

If there is one lesson to be learned from our collective experience, it is that security and protection need to go hand in hand – one is not possible without the other. The international refugee protection regime acknowledges and reflects this. International refugee law provides for safeguards and mechanisms to protect those fleeing persecution, conflict, and violence while bearing in mind the security of host countries and their communities.

Today we are confronted with unprecedented movements of people from Syria, Iraq, Afghanistan, Yemen, South Sudan, the Central African Republic, Nigeria, Somalia, and most recently Burundi, to name a few, who are seeking safety both inside and outside their countries of origin. More than 60 million people worldwide have lost their homes and livelihoods – their futures in their home countries – primarily as a result of threats to their security arising from violent conflict, extremism and anarchic disorder.

No country or region in the world is immune from the impact. Europe is no exception, with more than a million arrivals in 2015 – the highest figure since the displacement due to conflicts in the former Yugoslavia in the early 1990s. The latest figures indicate that around 90 per cent of those arriving in Europe came from the world's top 10 refugee-producing countries, including Syria, Afghanistan, and Iraq.

It is worth noting, however, that the vast majority of those forced to flee their homes remain in their regions of origin – and most of them are not even able to leave their countries. Overall, 98 per cent of the world's refugees and internally displaced persons are outside of Europe, many in countries marked by political and social instability and a precarious socio-economic situation. Lebanon is a case in point, with a population of some 4.5 million hosting 1.5 million Syrian and Palestinian refugees. Some 14 million people have been forced to flee their homes due to the inter-linked conflicts in Syria and Iraq alone.

This is not to belittle the challenges facing Europe at the present time. It is clear that the arrival of large numbers of asylum-seekers, refugees, and migrants poses significant challenges from a security and law enforcement perspective. But let us not forget that many are forced to embark on dangerous journeys along routes rife with abuse and exploitation by smugglers and traffickers.

Many around the world are referring to this situation as a “crisis”, and many reactions to the growing numbers of refugees attest to the fears that this has created. Often, security concerns seem to trump humanitarian and protection considerations. We see this in restrictive border policies in a number of countries in different regions. Access to territory has become seriously constrained with the institution of

various barriers to entry, including fences and walls, push-backs at borders, a panoply of visa requirements, increasing detention, and other restrictions, as well as interdiction practices. Such measures are often justified in the name of security concerns or are rooted in domestic political agendas unrelated to the actual presence of refugees.

However, as an organization that works with Governments on all continents, UNHCR has seen time and again that giving primacy to a security focus at the expense of ensuring refugee protection has failed to bring about the desired results, often at great expense to taxpayers.

The impact is simply the diversion of refugee movements along other routes and the aggravation of already precarious situations in regions embroiled in conflict. Worse still, these measures compel even more people who have nothing left to lose to risk more dangerous journeys in the hope of finding eventual safety and stability. This creates an environment in which smuggling and trafficking can thrive. The logic of exclusion also reinforces the perception of refugees as a burden, and risks encouraging xenophobic and racist rhetoric and sometimes even physical attacks against the very individuals fleeing persecution.

In other words, separating security from protection ends up doing a disservice to both.

What, then, is a better way to deal with a situation that is challenging, but needs to be [and can be] managed? Let me set out a number of key considerations, from UNHCR's perspective.

First, security considerations and international refugee protection are not opposites. On the contrary, security and protection complement each other. In our experience, both security and protection are best achieved through an integrated approach, where complementary and mutually reinforcing measures ensure access to safety and protection for those in need, while safeguarding the security of transit and host countries and communities.

Second, it is sometimes perceived that international refugee law is somehow an obstacle when it comes to addressing security concerns. This, however, is a misconception. Security concerns have been taken into consideration from the very outset of the international refugee protection regime to its present form.

More than sixty-five years ago, the drafters of the 1951 Convention relating to the Status of Refugees were very much aware of national security issues, and they also aimed to ensure that the refugee protection regime would not provide a cover for persons involved in serious criminality or otherwise posing a threat to the security of host countries and communities. Accordingly, specific provisions were included in the 1951 Convention which provide a system of checks and balances, and which take full account of the security interests of States and host communities while at the same time protecting the rights of refugees.

This begins with the refugee definition in the 1951 Convention, which establishes clear criteria for determining who is a refugee and entitled to international protection, and which provides for the exclusion of persons who are responsible for certain serious crimes or heinous acts, and who, therefore, should not receive international protection as refugees.

International refugee law also makes it clear that refugees and asylum-seekers are bound to abide by the laws of their host country. They are not immune from prosecution for any crimes committed on the territory of their host country, and their status does not preclude appropriate measures where an individual is found to pose a security risk. The 1951 Convention includes express provisions which permit expulsion on grounds of national security or public order under certain circumstances.

Third, giving effect to these provisions – and thus upholding vital refugee protection principles as well as ensuring the security of the host country and its community – requires proper systems for receiving persons arriving in mixed flows and referring them to appropriate procedures.

We continue to work with States to develop and implement protection-sensitive border management systems. Some years ago, we developed a *10-Point Plan on Refugee Protection and Mixed Migration*, which provides practical suggestions, including on the management of entry systems. At the core of the *10-Point Plan* are measures to ensure that refugees and asylum-seekers [and others with specific needs] travelling irregularly, are identified, protected against *refoulement*, and given access to asylum procedures.

Best practices in this regard include:

- registration, including biometrics
- referral of those who wish to submit a claim for international protection to asylum procedures
- identification of individuals subjected to human trafficking or at risk of being trafficked [or re-trafficked], to ensure that they have access to safety, protection, and support.

When asylum-seekers and refugees are promptly registered and have their status determined in a fair and efficient manner, States can be more confident of who is on their territory. They can make the necessary distinctions between those arriving, and identify early on people who may constitute a security risk. As a part of this system, States are encouraged to embrace the principle of non-detention of asylum-seekers except under exceptional circumstances, and to explore actively alternatives to detention.

Such measures also reinforce efforts to hold perpetrators of trafficking accountable for their crimes, in line with the existing international legal framework governing efforts to combat trafficking, which provides a response incorporating both criminal law enforcement and protection of survivors.

Security screening, including by checking travel documents against INTERPOL's databases, is another important element of border security. It should be borne in mind, however, that refugees are often forced to flee their countries without the necessary documents or visa, and sometimes are compelled to resort to fake documents in order to flee from situations where their life is at risk.

Also, measures to check a person's identity need to be implemented in a manner that preserves the confidentiality of sensitive information and does not expose or create risks for individual, family members, or others in the country of origin. This also applies in the context of cooperation between criminal justice systems and law enforcement bodies involved in combating transnational organized crime, where refugees or asylum-seekers participate in efforts to prosecute traffickers, for example.

Fourth, efforts to ensure the security of host countries as well as the protection of refugees need to include measures and initiatives not only at the point of entry, but also before and after arrival.

The absence of regular avenues to safety forces many of those fleeing persecution, conflict, and violence to travel along dangerous routes and rely on smugglers and traffickers. This not only exposes refugees to horrific violence and abuse, as has been reported especially in Libya, but also in the Western Balkans and elsewhere, but also allows criminal networks to thrive.

Providing complementary, regular pathways for admission that enable refugees to reach safety is an urgent priority, both from a protection perspective and from the point of view of crime control. UNHCR is working with States in Europe and beyond on initiatives to facilitate the safe and dignified admission of refugees. This may include *humanitarian pathways*, such as resettlement/humanitarian admission, private sponsorships, humanitarian visas, and medical evacuation, as well as *additional pathways for admission*, such as expanded opportunities for admission of relatives, academic scholarships, apprenticeships, labour mobility schemes, or relaxing or removing certain legal barriers or administrative requirements for admission. Such pathways allow destination States to put in place proper screening and facilitation procedures for refugees arriving on their territory. Easing family reunification in particular would go a long way toward reducing the market for smuggling.

The centrality of integration in the country of asylum is also a key factor from protection, solutions, and even security dimensions in the interest of refugees and host communities alike. I spent the weekend in my home country Austria and was deeply impressed by the engagement of actors like the University of

Graz in building social cohesion, for example. Integration is a dynamic, two-way process, which requires both the individual and society to make considerable efforts.

From the perspective of host States, this is not only a moral and legal obligation, but also makes economic sense. A growing number of studies indicate that host societies actually benefit tremendously from the presence and contributions of refugees – economically, socially, and culturally. A recent report by the Organization for Economic Cooperation and Development (OECD), for example, presents the main lessons from the experience of OECD countries in fostering the integration of refugees, and it emphasizes, among other things, the importance of providing access to language courses, employment programmes, and integration services as soon as possible, including for asylum-seekers who are highly likely to remain. Providing refugees and their family members with rights and opportunities that enable them to play a full role in the social, economic, and cultural life of their host countries is key to facilitating integration.

In UNHCR's experience, integration can foster positive attitudes towards refugees and relationships with host communities. Integration is therefore also essential to countering threats arising from populist politics and toxic public debates, as well as the climate of fear they engender. It is becoming increasingly evident that this is the single most important challenge to the safety and protection of refugees today, both in Europe and elsewhere.

These fears are often fueled and abetted by irresponsible media reporting, lack of political and moral leadership, and xenophobia and racism. In some countries around the world, there has been a proliferation of xenophobic narratives, hate speech, fear-mongering, and inflammatory statements – both at the political and civil society levels. This contributes to a hostile environment, which has in some instances even led to arson or other violent attacks against refugees. Regrettably, we have seen this also in Europe.

States can play an important role in countering this mindset and all forms of extremism it may give rise to, including through community policing and engaging with refugees to detect potential problems and address them at an early stage.

Fifth, if there is one common thread underlying a solutions-oriented approach to the current magnitude, scope, and complexity of forced displacement in the world today, including its security and law enforcement dimensions, it is the need for predictable and equitable responsibility-sharing arrangements. It does not come as a surprise, therefore, that refugee and migration issues have attracted high levels of attention worldwide.

On 30 March 2016, UNHCR convened a ministerial-level meeting in Geneva to explore mechanisms for the admission of Syrian refugees that could be adopted by States to relieve the pressure on countries currently hosting some of the largest numbers. The meeting resulted in new offers of resettlement and other forms of humanitarian admission by States. It also highlighted the challenges we will face over the next three years in narrowing the gap between the number of places countries are willing to offer for Syrian refugees and the number that is urgently required. In our estimate, at least 10 per cent of the 4.8 million Syrian refugees in countries neighbouring Syria will need resettlement or other pathways for admission before the end of 2018.

This meeting formed part of a broader process for addressing large-scale movements of refugees and migrants announced by the Secretary-General of the United Nations on 20 November 2015 in an address to the General Assembly. On 19 September 2016, the UN General Assembly will hold a high-level plenary meeting on this issue, and on 20 September 2016, the United States President Obama will invite world leaders to a refugee summit.

These initiatives reflect the recognition that managing cross-border movements on the scale we are seeing today cannot be left to one country alone, or to a limited number. The solidarity required is a global one. Responsibility-sharing is in the interests of all. The collective effort of many States, and many actors within States, is essential. This also includes law enforcement, which can play a critical role in preventing

persons who pose security risks from taking advantage of the movement of refugees and migrants to enter countries for purposes that endanger the safety of all. At the end of the day, it requires a whole-of-society approach.

Let me conclude by thanking you all for your commitment to the fundamentals of the rule of law and the human dignity approach in law enforcement, as well as your understanding of the complexities of refugee and migratory movements. Managing the security aspects of people on the move is unthinkable and untenable without the protection-of-people dimension. In my own experience, both worlds have the potential of interacting well if each is properly understood. In fact, they are two sides of the same coin. Let us therefore find opportunities for collaboration and strive for an integrated response, which addresses both the protection and security aspects of the current displacement and migration situation in a spirit of solidarity and responsibility-sharing.