

66th Meeting of the Standing Committee of the Executive Committee of the High Commissioner's Programme, Geneva, 21-24 June 2016

**Agenda item 2: International Protection
Statement by Volker Türk, Assistant High Commissioner (Protection)**

Mr. Chairman, distinguished delegates, ladies and gentlemen,

I am pleased to introduce the protection 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 the *Update on Resettlement, Refugee Status Determination, Update on Voluntary Repatriation, Youth, Gender Equality, and Solutions*, which my colleagues will be introducing during the session.

I would like to mention a couple of highlights, in terms of both progress and challenges we have been facing in protection, and to offer some thoughts on a way forward, particularly through more equitable and predictable responsibility sharing for refugees.

The world today is in turmoil, nowhere more evident than in the magnitude and complexity of the refugee and displacement situations that surround us. Displacement has become a defining characteristic of human mobility, with the protection of people ever more important as a result. Multiplying and intensifying conflicts around the world – some lasting for decades as in Somalia and Afghanistan – force people to flee their homes often multiple times. The vast majority are internally displaced within their own countries. A smaller number cross borders to become refugees in host States often ill equipped to receive them. Some even move onward in search of safety or to try to join family members, taking life-threatening journeys across deserts and seas at the hands of smugglers and traffickers. More than one million crossed the Mediterranean in 2015, most of whom came from refugee-producing countries, such as Syria, Afghanistan, and Iraq. Thousands of refugees likewise moved across the Bay of Bengal and Andaman Sea, the Straits of Malacca, and the Gulf of Aden and Red Sea. Moreover, part of the complex picture is also environmental degradation and food insecurity, worsened by ration cuts, notably in Africa, which further drive displacement. For example, tens of thousands of South Sudanese have fled not only the conflict, but also pervasive hunger.

Our *Global Trends* report for 2015 confronts us with the sobering, but unsurprising reality of a record 65.3 million persons displaced as of the end of last year. This includes 3.2 million asylum-seekers, 21.3 million refugees (more than half of whom are from Syria, Afghanistan, or Somalia), and 40.8 million internally displaced persons, mostly in Colombia, Syria, Iraq, or Yemen, but also in the Lake Chad Basin and South Sudan. In addition, an estimated 10 million individuals are stateless. Turkey continues to host the largest refugee population at over 2.5 million, while Lebanon hosts the largest number relative to the size of its population. More asylum claims were lodged last year than ever before, with Germany receiving the highest

number, primarily of people fleeing via the Mediterranean, and the United States of America receiving the second highest, mostly from individuals fleeing violence in Central America. A decade ago, we reported that six people were displaced every minute. Now that number has grown to 24 per minute. With the number of displaced people outpacing the population sizes of some medium-sized countries, it has become clear that prevention of conflict and the search for solutions to existing ones need to be further reinvigorated.

Against this sobering background, it is clear that the institution of asylum needs more than ever to be respected, preserved, and reinforced. Yet a number of countries have taken measures to close their doors, restrict protection space, and even prevent people from reaching safety. We have seen this with the institution of barriers to entry, including transfer arrangements involving asylum-seekers and refugees, quotas on the number admitted to asylum procedures, unwarranted detention of asylum-seekers, confiscation of assets, increased visa requirements, and interdiction practices. Such restrictions have at times had the effect of driving refugee movements underground with smugglers, or simply diverting them. The quality of asylum is not without its challenges either, as a number of national asylum systems have yet to achieve fair and efficient procedures, and restrictions on movement and access to employment limit possibilities for refugees to become self-reliant and contribute meaningfully to their host communities.

Some have wrongly attributed these developments to perceived shortcomings in the 1951 Convention. Yet failures to abide by the commitments envisaged in the Convention are not failures of the Convention itself, but of political will. In some quarters, we have witnessed a governance gap driven by emotions, rhetoric, and polarized public debates. The Convention is as relevant now as it was at its inception when it was crafted in response to numbers commensurate with what we are experiencing today. It is an enduring instrument that has saved millions of lives over the past 65 years and is complemented by regional instruments and customary law. Departures from the principles enshrined in the international refugee protection regime only lead to less effective management of large-scale influxes of refugees and to creating tensions between States.

Alongside the international refugee protection regime, we also need complementary initiatives to improve international migration governance. This is crucial to ensure that individuals who may not meet the refugee definition receive an appropriate response respecting their human rights and dignity. Open channels for safe and regular migration, human rights protection for all people on the move, and responses to new forms of displacement caused or compounded by environmental change are all needed, particularly for the most vulnerable migrants. Refugees and migrants are in different situations when it comes to their legal status and international protection needs. Yet, when they are crowded into flimsy boats or are traveling side-by-side through deserts, many of their immediate needs are the same. They face detention, sleeping rough, poor reception conditions, and xenophobia. Beyond issues of status, then, UNHCR can bring its operational and protection experience to this discussion.

Effective protection requires a welcoming and supportive environment. Last year, I reported that although there were countless examples of generosity demonstrated by many sectors of civil society, growing hostility towards refugees in some instances had begun to compromise asylum space. The situation this year has unfortunately only worsened, as populist politics have

exacerbated the problem, heightened climates of fear, and fuelled acts of violence and prejudice towards refugees and asylum-seekers. Many refugees flee discrimination, intolerance, and xenophobia in their home countries only to face the same treatment in their host countries. Countering this rhetoric requires concerted efforts of the political leadership to ensure sound policies based upon reason and accurate information, which are developed with a view towards fostering stability, safety, and social cohesion.

Restrictions on asylum space have intensified in the name of security concerns in the aftermath of serious security incidents in several regions around the world. We have learned from long experience that to be effective, security and protection need to go hand-in-hand. Otherwise, legitimate security concerns may be expressed in punitive and restrictive border management policies, which can frustrate access to protection for those who need it most. We must not forget that refugees are often themselves fleeing acts of terror and violence. The 1951 Convention has specific provisions to ensure that persons who have committed such acts would not benefit from refugee protection. To assist governments in developing strengthened mechanisms on the legal and policy front, UNHCR issued at the end of 2015 an updated Note on *Addressing Security Concerns without Undermining Refugee Protection*. Initiatives in human rights, socio-economic development, and peace-building can also help to counter the forces that lead some individuals towards the path of violent extremism. Education, youth, and community-based protection projects for individuals who have been marginalized can provide meaningful alternatives. Access to resources and services, and realistic prospects for the enjoyment of rights, from education, to health care, vocational training, and work, are key.

The challenges in achieving refugee protection in the current environment will persist, and we have seen that individual ad hoc responses are simply not enough. The need for more equitable sharing of responsibilities is deeply evident in a world where 90 per cent of all refugees are hosted in developing regions in close proximity to conflict areas, which thus disproportionately bear the impact of forced displacement. Although there are many examples we can cite today where responsibility sharing is already happening in various forms, we have no predictable means to achieve this. It is a perennial gap that we can, however, close if we approach these issues collectively and dynamically.

As the scale of forced displacement today has seized international attention, questions about the meaning of responsibility sharing and how best to support host countries facing large-scale movements of refugees have come to the fore. This prompted the United Nations Secretary-General, in his report, *In Safety and Dignity: addressing large movements of refugees and migrants*, to call for global commitments to uphold safety and dignity in large movements of refugees and migrants through a Global Compact on Responsibility-sharing for Refugees, as well as a Global Compact for Safe, Orderly and Regular Migration. On 19 September, Member States will have an opportunity to make this call to action a reality at the General Assembly *High-level plenary meeting on addressing large movements of refugees and migrants*. I recently had the privilege of accompanying the Secretary-General on his visit to Greece, where the need for responsibility sharing is so salient, and witnessed how strongly the Secretary-General feels about this, as he drove home the urgency and necessity of a Global Compact in all his conversations.

As we move towards the General Assembly meeting in September, it is opportune to offer a few reflections on what responsibility sharing for refugees could entail, which, not least in light of the Secretary-General's call, we have chosen as the theme of this year's *Note on International Protection*.

The concept of responsibility sharing is not new. The international refugee regime recognized, from its outset, the importance of collaboration amongst States to resolve refugee situations. Building on the fundamentals of the Charter of the United Nations, this was spelled out in the Preamble to the 1951 Refugee Convention. It has since been confirmed in a number of UN General Assembly resolutions and regional instruments, as well as affirmed in several Conclusions of this Executive Committee.

However, the modalities for the practical implementation of responsibility sharing were never specified, and we have had to find a way to respond to each refugee situation anew. The international community has time and again demonstrated its readiness to work together in addressing large-scale movements of refugees through various arrangements, often led by UNHCR in cooperation with States and partners – from the resettlement of Hungarian refugees from 1956-58, to the International Conferences on Assistance to Refugees in Africa I and II, the Comprehensive Plan of Action to respond to the Indochinese crisis, and the International Conference on Central American Refugees. More recently, international cooperation was mobilized in the Global Consultations, the Agenda for Protection, the 2007 Iraq Conference, and the Refugee and Resilience Response Plans for the Syria and South Sudanese situations. In this context, looking ahead and completing the picture, let me also mention the *Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change*, which was endorsed by 110 countries at the Nansen Initiative Global Consultation last October, and of course the adoption of the Climate Change Agreement in Paris at COP 21, which recognized the displacement angle and created a task force.

Regionally, we have welcomed the 2014 Brazil Declaration and Plan of Action and the 2015 49th MERCOSUR Summit. In March this year, the Bali Process countries, for the first time in a Ministerial Declaration, agreed to a comprehensive regional approach to managing mixed migration through search and rescue at sea, predictable disembarkation, temporary protection, and regular pathways. This month, the Lake Chad Regional Protection Dialogue in Abuja, Nigeria, involving government and civil society actors from four countries, resulted in an agreed Ministerial Action Statement on regional collaboration for the protection of refugees, internally displaced persons, stateless persons, and other crisis-affected groups. Next month, in San José, Costa Rica, a High-Level Roundtable, *Call to Action: Protection Needs in the Northern Triangle of Central America*, will be convened to establish a systematic response to the protection needs of the growing number of refugees and displaced people from the Northern Triangle of Central America in countries of origin, transit, and asylum.

It is evident that responsibility sharing is a time-honoured principle and tradition. This positions us well to find a way to operationalize the principle more effectively and to make our responses more predictable and equitable. The Global Compact, as it is set out in the Secretary-General's report, charts a way forward for achieving this. It would be a commitment by States to better share responsibility based upon existing legal obligations, standards, and best practices from the

past. It would ensure their equitable participation in a comprehensive refugee response, so that the host States most affected would know they could rely upon support. It would also be a vehicle for addressing root causes and proactively planning for solutions, including through linking humanitarian and development planning, and bringing together economic, human rights, diplomatic, and security measures that can reduce the risks that lead to or exacerbate situations of displacement. The normative framework set out in international refugee and human rights law would be central and would ensure that individuals could access and enjoy asylum.

An integral part of a Global Compact, as set out in the Secretary-General's report, would be a call on UNHCR to initiate and develop a comprehensive refugee response whenever there is a large movement of refugees, in which collaboration between States, international organizations, and civil society would be fundamental. A *whole of society* approach would be necessary to build collective goodwill, empathy, and momentum to secure investments at the political level. UNHCR is committed to building strong coalitions so as to be ready in the event of a large-scale refugee movement in the future. We can also add value with our strong country presence, culture of protection, community-based approach, and well-established relationships. We can offer expertise gained from our years of experience in the field, directly involved in peoples' lives, to develop and inform strategies at global, regional, country team, and local levels.

While each response would be tailored to fit the particular context, they would share key elements focusing on admission, protection, assistance, solutions, and supporting communities hosting refugees. A comprehensive refugee response would include support to ensure appropriate admission and reception arrangements, meet essential needs, and foster self-reliance. This approach would help us, in cooperation with States and partners, to assess risks and impacts, and identify assistance and support needed by host communities at the onset of a large-scale movement. Together we could also put systems in place to respond to protection needs related to legal status, child protection, internal displacement, and sexual and gender-based violence (SGBV). We could consider the strategic use of refugee status determination or temporary protection in mass influx situations, for example, to identify an appropriate means to address issues of status in the immediate-term. While UNHCR is already working with several States on quality assurance initiatives to build the capacity of national RSD systems in the longer-term, in the face of large-scale influxes, we could also strengthen community-based approaches to ensure there are multiple ways for us to identify individuals with protection needs. We could also draw upon our current successes in engaging more predictably in stable, ongoing IDP situations, to find ways to do so from their outset, as well. We could further use lessons learned from our experience in SGBV prevention and response, which saw reporting of incidents increase by 32 per cent last year, accompanied by similar increases in the provision of legal, medical, and psychosocial services.

Also, as more than half of the world's refugees are children, child protection would need to be a significant part of any comprehensive refugee response. Unaccompanied or separated children, primarily from Afghanistan, Syria, Eritrea, and Somalia, submitted some 98,400 asylum requests last year – the largest number ever recorded. This is a sad testament to the disproportionate effect that displacement has on the lives of children and youth, especially in view of the heightened risks they face during their journeys. With so many affected by displacement and

statelessness on every major continent, it is timely that children on the move will be the theme of this year's *High Commissioner's Dialogue on Protection Challenges* in December.

A holistic approach to child protection, going beyond the asylum angle, is essential. It needs to be based upon an ethic of care rather than enforcement, placing the child's best interests at the centre. Although we have doubled the number of Best Interests procedures conducted since 2014, we need to complement this with more targeted protection and assistance to girls and boys with specific needs. We further need to better protect children from violence, neglect, abuse, and exploitation, and encourage youth participation in decision-making, to enable them to live, learn, and play safe wherever they live. We can build upon ongoing efforts with States and partners to enhance national child protection and social welfare services, where we have seen improvements to these systems increase by 50 per cent last year. UNHCR is now also an active member of the Advisory Board for *End Violence Against Children* – a Global Partnership and Fund to prevent violence, protect childhood, and make societies safe for children.

Ensuring access to education continues to be key to a comprehensive response. We have made some progress on our Education Strategy as the numbers of children attending primary and secondary school have increased. However, this has not kept pace with the growing numbers of refugee children globally. Just half of refugee children are in primary school, one-fourth of refugee youth are in secondary school, and there continues to be a gender gap. Without secondary education, youth cannot later access the scholarships and other pathways being offered by universities and the private sector. In view of this, the High Level Steering Group for the *Education Cannot Wait* fund offers some hope as a partnership among several governments and organizations, including UNHCR, to fund education in emergencies and protracted crises.

A comprehensive response would further include measures to meet essential needs. The growth in cash-based programming is an important development, as it not only makes economic sense and is empowering, but also provides important opportunities for protection interventions and reduces risks of negative coping mechanisms. Fostering self-reliance can also help to meet essential needs, ensuring that refugees can access livelihood opportunities and use their skills and capacities to support themselves and give to their communities. The potential for refugees to contribute economically, socially, and culturally to their host societies is often overlooked. The evidence shows that we must re-orient current perceptions and make a more compelling case that this is entirely possible if the right policies are adopted.

Opportunities for refugees to participate in labour markets and contribute to economic growth need to be encouraged. The World Bank has undertaken studies in the Middle East and Africa, which provide useful insights and pointers for future research and policy advocacy. The Organisation for Economic Cooperation and Development (OECD) has done the same in the industrialized world, demonstrating that early investments in integration can reap benefits over time. The OECD and UNHCR organized a high-level event on integration earlier this year, considering ways to bolster integration in receiving States, and just last week both organisations signed a Memorandum of Understanding to strengthen our cooperation. There are already positive developments emerging from countries hosting some of the largest refugee populations, such as Turkey and Jordan, now granting Syrians the right to work. Providing refugees with education and livelihood opportunities further ensures that they are capacitated to contribute to

the prosperity of their home communities, should safe and dignified return become possible. Our cooperation with the OECD and the International Labour Organization (ILO) are important for raising awareness of the necessity for a sea change on this front. Our experience in establishing Core Groups on resettlement could also be a model for establishing similar groups on solutions for particular large-scale refugee situations and considering opportunities for labour mobility and livelihoods within regional arrangements.

This leads me to another element of a comprehensive refugee response – planning and providing for solutions from the outset of a large-scale movement of refugees, which would require a progressive approach that focuses on the gradual achievement of rights from the start. We would be thinking from the beginning, for example, about the conditions necessary for safe and dignified voluntary return. There is much to do in this respect, as last year, only 201,400 refugees were able to return to their home countries. Although this is an increase compared to 126,800 in 2014, the persistent low rate of returns is due to unresolved root causes of displacement that stand in the way of sustainable return. As part of a comprehensive response, we could mobilize support for addressing root causes of displacement that can also prevent sustainable return, through peacebuilding, reconstruction and development, sustainable reintegration, and the rule of law in countries of origin, as well as initiatives to foster dialogue and reconciliation.

For some countries, solutions could mean longer-term residency or even naturalization, particularly for refugees who are already well integrated socially and economically. Last year, although only some 32,000 refugees were able to naturalize in their host countries, we did see some progress upon which we could draw when developing a comprehensive response. Ghana, Togo, Senegal, and Guinea Bissau, for example, are considering pathways to permanent residency or even naturalization within the ECOWAS framework and their own national legislation. The United Republic of Tanzania granted citizenship to 151,019 former Burundian refugees, and some 30,000 additional persons were in the naturalization process at the end of 2015. Last year, Zambia expanded the criteria for the local integration of Angolans and also for some 4,000 Rwandans.

Resolving statelessness within countries of habitual residence or asylum would also help address a root cause and potential consequence of displacement and could be a part of solutions planning within a comprehensive response. The advances made by a number of West African States in implementing the Abidjan Declaration could serve as a model for future initiatives. We are already making headway with the recent accessions to the statelessness conventions by Mali and Sierra Leone, and in the naturalization of stateless persons, notably in Thailand, Côte d'Ivoire, Kyrgyzstan, and Malaysia. Recent changes in nationality legislation in several countries are helping to prevent childhood statelessness, and we hope to see the same with respect to promoting women's equal right to a nationality.

Finally, solutions planning requires the expansion of complementary pathways for admission, through resettlement, humanitarian admission, family reunification, medical evacuation, student visas and scholarships, or labour mobility schemes. Now is an opportune moment to capitalize upon our advocacy to secure such pathways, benefiting in particular from the Migration Policy Institute and UNHCR co-led roundtable on *Additional Pathways for Refugees: Exploring the*

Potential and Addressing Barriers, and the recent UNHCR *High-Level Meeting on Global Responsibility Sharing through Pathways for Admission of Syrian Refugees* this year. We have made progress with more than one million refugees submitted for resettlement by UNHCR in the past decade. Some 107,100 refugees representing 65 nationalities were resettled to 30 countries in 2015. This year we expect to submit 143,000 for resettlement, and next year we plan to submit some 170,000. In addition, several countries in Europe and Latin America are developing complementary pathways, including scholarship schemes, skilled migration and labour mobility, and family reunion. Yet, as UNHCR's *Projected Global Resettlement Needs for 2017* reports that 1.19 million refugees will be in need of resettlement next year, the global need for places still outstrips those so far made available. In the face of large-scale movements, resettlement and complementary pathways for admission will need to be offered in significantly higher numbers to ensure a more equitable sharing of responsibilities.

For all aspects of a comprehensive refugee response to be realized fully, predictable humanitarian financing will be critical. Systems for securing sufficient and timely funding would be needed not only at the outset of an emergency, but also throughout the displacement process, so as to prevent a worsening of the situation and to facilitate solutions. Resource mobilization of the future will also increasingly include linkages between the development and humanitarian worlds. It will require complementarity in our service delivery as well as embedding services to refugees within national systems.

In conclusion, as we draw upon lessons learned from the present situation to anticipate the needs of the future, the Global Compact, as set out in the Secretary-General's report, holds much promise. A Global Compact will enable us to draw upon our long history of practice and refugee protection principles to better frame our cooperation in response to large-scale movements. Countries hosting large populations of refugees could, as a result, rely more firmly on international cooperation to obtain support; and refugees could be received and hosted in dignity, with opportunities to be active participants and contributors to their communities. With your commitments to such a Global Compact this September, the refugee situations of today do not have to become the crises of tomorrow.