

TALKING POINTS

STANDING COMMITTEE, Tuesday, 18 JUNE 2019

Agenda item: a) Note on international protection (EC/70/SC/CRP.10)

Presented by: Ms. Grainne O'Hara, Director, Division of International Protection

10:00 – 13:00, continuation at 15:00

- The Note on International Protection contains illustrative examples of the fundamental characteristics of protection. It describes key challenges and developments in the protection of persons of concern to UNHCR from July 2018 to the present. The year saw a pivotal achievement with the affirmation of the Global Compact on Refugees (GCR) by the General Assembly.
- The Note addresses the *international protection* of refugees, pursuant to the 1951 Convention and 1967 Protocol as well as regional refugee instruments. It charts developments in relation to *protection* as broadly understood encompassing all activities aimed at obtaining full respect for the rights of the individual including under international human rights law, humanitarian law and refugee law.
- My oral summary under the 7 specific headings of the Note includes progress on some key protection considerations which are covered in detail in other Conference Room papers and specific agenda items at this meeting. These include items on:
 - o UNHCR's engagement with internally displaced persons;
 - o an update on preparations for the October high-level segment on statelessness;
 - o measuring the impact of hosting, protecting and assisting refugees; and
 - o an update on implementation of the GCR and preparations for the first Global Refugee Forum, among others.

[1. 1951 Convention; non-refoulement and restrictive approaches]

- The past year has seen significant milestones for the key refugee protection instruments. South Sudan acceded to the 1951 Convention and its [1967] Protocol, bringing the total number of States who have ratified one or both to 149. 2019 marks the 50th anniversary of the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (OAU Convention). The African Union has declared this the year of "refugees, returnees and internally displaced persons"; and UNHCR has been privileged to work with our AU partners as they convene consultative meetings focusing on root causes, durable solutions and the capacity of governments to tackle displacement [among other themes].
- The 1951 Convention has continued to demonstrate its relevance in ensuring international protection for persons fleeing persecution and other forms of serious harm. The vast majority of states have continued to respect the fundamental principle of non-refoulement and to provide international protection to persons in need of it.
- At the same time, the Note records instances in which some States have interpreted narrowly the scope of protection criteria with regard to those fleeing armed conflict and violence, including by non-State actors, organized gangs or in domestic violence, as well as grounds such as sexual orientation and identity. We have also observed the closure of official border crossings, strict controls at frontiers and denials of admission or 'push-backs' which have compelled some refugees to take dangerous alternative routes. Of course UNHCR acknowledges the right of States to manage and control their borders, upholding the importance of ensuring that a person who seeks international protection has an opportunity to do so.

- We have seen instances of individuals and families returning from situations of detention without access to UNHCR or confirmation of voluntariness of their decision to return, and sometimes in disregard of national court orders or representations from UNHCR. Refugees caught up in mass expulsions were forcibly returned in some cases.
- Following several reported cases of removals of asylum-seekers from airport transit zones, UNHCR in January this year published legal guidance on the treatment of people arriving by air and seeking international protection.
- Challenges regarding admission and access to asylum procedures continued in the context of irregular maritime movements by sea. Reduced search and rescue capacity saw increased deaths at sea in some regions, as well as delays and difficulties in disembarkation in places meeting the standards of international law. During the reporting period, UNHCR and the International Organization for Migration (IOM) proposed a [regional disembarkation mechanism](#) for the Mediterranean region to ensure more predictability and responsibility-sharing to respond more effectively to these sea movements. More efforts are needed in this area to address the evident challenges we continue to face worldwide.

[2. Protection capacity, alternative forms of stay]

- UNHCR continued to work with States to strengthen national asylum and protection systems. The establishment of the Asylum Capacity Support Group, as called for in the GCR, will promote at global level positive examples of national asylum capacity development.
- Countries in several regions provided documentation and alternative forms of legal stay for persons with international protection needs. Several other states also registered and issued documentation to persons with international protection needs, including for Afghans, and in countries in the Middle East and Africa.
- In the discharge of our responsibility to provide credible country of origin information, guidance has been issued over the past year in respect of [Afghanistan](#) (August 2018), [Libya](#) (September 2018), [South Sudan](#) (April 2019) and, [Iraq](#) (May 2019). In May 2019, UNHCR issued a guidance note on the international protection needs of Venezuelans.

[3. Asylum and migration]

- UNHCR continued to engage with States and other partners around asylum and migration, on the basis of the 10-Point Plan in Action and other relevant tools. The Office's support for the implementation of the Global Compact on Safe, Orderly and Regular Migration has been expressed through its active participation in the UN Migration Network (UNHCR has seconded a staff member to its Secretariat).
- Work in partnership with others in addressing very complex situations included engagement with the AU-EU-UN Taskforce on Libya, in close cooperation and coordination with IOM. We are also working together with IOM and other partners in mixed movement situations in regions around the world, including Africa, Europe and the Americas, as well as on themes of shared concern, including assistance for victims of trafficking who may in some cases need international protection.

[4. Climate change]

- Increasing concern has been voiced about climate change as well as displacement associated with the nexus between causes of refugee movements and natural hazards, disasters or environmental degradation. In December, UNHCR published a [study](#) on States' responses to people seeking international protection in these nexus dynamics between conflict or violence and disaster or climate change. We continue to contribute to international policy fora and discussions as well as responding in operational settings.

[5. Meeting needs, supporting communities - development]

- UNHCR has devoted intense efforts to identifying and addressing vulnerabilities in displacement pursuant to its 2018 updated Policy on Age, Gender and Diversity. We have sought to improve access to medical, psychosocial and legal services for survivors of sexual and gender-based violence, and promote the inclusivity of services also for men and boys in refugee, IDP and return situations. Child

protection and youth empowerment remains a vital area of focus for governments, UNHCR and partners. We are also refocusing attention on the inclusion of persons of concern with disabilities, including after the 2018 Global Disability Summit.

- Inclusion of refugees and other persons of concern in national systems is critical to the collective capacity to meet needs with due consideration of the host communities. National authorities at central and municipal levels have taken important steps to ensure refugees can gain access to national health systems, labour markets and education, in ways which benefit all concerned. Education has been a crucial area of focus for UNHCR and its partners for many years, where we have recently seen some important advances. Over 6700 tertiary students received scholarships and over 4000 refugee and host community students accessed connected learning programmes through technology in 23 countries. While half a million refugee children were newly enrolled in school in 2018, UNHCR remains acutely aware of the work still to be done, with some four million children remaining out of school worldwide.

[6. Solutions]

- The last year saw some progress made in voluntary repatriation in some situations, including for some Burundians, South Sudanese and Afghans. UNHCR also undertook preparedness activities in the frame of the comprehensive protection and solutions strategy for Syrians (issued early in 2018).
- Work has advanced on resettlement and complementary pathways, including development of a three-year strategy as called for in the GCR. We hope to further strengthen national engagement in resettlement, noting that 2018 saw 92,400 refugees departed on resettlement (including 56,000 cases referred by UNHCR), out of the 1.2 million refugees in need. We welcome increased resettlement and community-based sponsorship programmes, including in the EU and the Americas (Argentina, Brazil, Chile and Uruguay).
- Local integration has been positively facilitated through naturalisation and residency, including in Ethiopia, Liberia and Guinea-Bissau.

[7. Protection at the centre of humanitarian action]

- Putting protection at the centre of humanitarian action requires us all, as UN agencies, states and partners, to make links between the rights of individuals under national, regional and international law, and assistance activities that enhance meaningful protection.
- Effective and accountable humanitarian responses require continuous and meaningful engagement with affected people. Community-based approaches have been important in promoting social cohesion, advancing accountability to affected people, enhancing the identification of those at heightened risk and addressing protection challenges.

[Conclusion]

- In conclusion, protection in all its facets, as exemplified in the Note, must remain central to responses across the continuum of displacement, and in wider humanitarian action. As we seek to move forward with implementation of the GCR and ensuring protection of rights more broadly, we count on the continued support of States and a wide range of partners. We pay tribute to the resilience of refugees, asylum-seekers and returnees themselves, as well as stateless persons and the internally displaced, from whom we have much to learn.