



UNHCR

United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés

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Statement by Ms. Erika Feller, Assistant High Commissioner (Protection)

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Mr Chairman,

Madame High Commissioner,

Excellencies,

Distinguished Delegates,

UNHCR places high importance on its interaction with the Human Rights Council. The mandate of the Office centers on the provision of international protection to, and realization of solutions for refugees and stateless persons. Both groups are victims of a deficit of human rights, with the defining characteristic being that they are unable, temporarily or for the longer term, to enjoy the protection of their own governments. The distinct, yet interconnected, legal regimes which were developed to ensure to both groups the necessary surrogate protection have been informed by and expanded through international human rights law.

The refugee and statelessness experiences attest to the continuing gap between the theory and the practice of human rights. UNHCR's work is situated squarely in this gap. Stateless persons are the product of an absence of universal respect for the human right to acquire a nationality and to be protected from the arbitrary deprivation of nationality.

The forcible displacement of refugees, because of persecution or the violence which accompanies conflict, is an important barometer of the respect, or lack thereof, accorded to fundamental human rights protections worldwide. UNHCR's work is directed at closing these gaps.

In this regard, our cooperation has intensified over recent years with human rights promotion mechanisms. This cooperation has included support for national human rights institutions to strengthen local capacity; assistance in training the judiciary and government officials in refugee and related human rights concepts; and working alongside NGO's to spread awareness of human rights instruments, principles and practices impacting refugee protection. UNHCR has also been cooperating with the human rights treaty implementation machinery and the Human Rights Council and its special mechanisms.

The decisions of this Council, including the recommendations adopted as part of the Universal Periodic Reviews, are contributing to the protection of persons of concern to UNHCR. Our offices are working with the UPR process, supporting implementation of its outcomes relevant to our work. Some dovetail with the commitments made at UNHCR's inter-governmental pledging event as part of the anniversaries in 2011 of the 1951 Refugee Convention and the 1961 Convention on the Reduction of Statelessness. At this event, governments made over 150 commitments to improve and strengthen the protection of refugees and/or stateless persons. One welcome result has been the 24 new accessions to one or more of the statelessness treaties in the last two years alone; and a range of other steps taken on implementation. We would encourage the Council to use these pledges in the context of the UPR process.¹

¹ <http://www.unhcr.org/commemorations/Pledges2011-preview-compilation-analysis.pdf>

In working with the human rights mechanisms, UNHCR has to be guided by a clear awareness of the complementarity but difference between them and the refugee-specific mandate of the Office. The mutually supportive but separate character of the respective mandates has to be maintained. While human rights entities may have investigative, reporting and prosecution-linked responsibilities, ours are human-security based, humanitarian and operational. Neutrality, impartiality and even-handedness in our dealings with all concerned parties can make the difference between access to our beneficiaries, success or failure of our interventions on their behalf and the security of our own staff in the field.

Of the many conflicts and situations of instability around the world where UNHCR operates, the situation inside Syria and in the surrounding host States has become the most complex and challenging. Several years into the crisis in Syria, its humanitarian impact is enormous. We are perilously close to reaching a figure of one million Syrian refugees. In Jordan, an arrival rate of some 3000 a day is becoming commonplace. By mid-year, if this continues, over 16% of the population inside Jordan will comprise Syrian refugees. The host states including Jordan, Lebanon, Turkey, Iraq, Egypt and the North African countries have been exemplary in their different ways, but the pressures may overwhelm their capacities. The resources available are just not enough, and the rate they are coming in is too slow. The tools of burden-sharing, including beyond the immediate region, need to be brought into play.

Inside the country, the number of persons displaced internally is roughly estimated at over two million. This displacement is not only about loss of homes and economic security. It is for many marked by gender-based crimes, deliberate victimization of women and children and a frightening array of assaults on human dignity. Rape and

sexual violence are prevalent, employed as weapons of war to intimidate the parties to the conflict by destroying identity, dignity and the social fabrics of families and communities. The impact is multiplied by the public humiliation which accompanies these acts when perpetrated in full public view, such as at checkpoints. Children are subjected to a high risk of violence. Reports of torture and death of detained children, or of the sexual abuse of both boys and girls, are particularly harrowing, to the point where child victims are becoming a defining feature of the Syrian conflict. The abuse to which they are exposed is now following them in flight, for example in the form of compelled early marriage in refugee camps.

If the international community is well aware of the existence of such crimes in conflict, global programs to prevent and address them are still very patchy, support to victims is often inadequate and their access to justice is limited, in tandem with a high level of impunity for the perpetrators. These are amongst the gravest of rights violations, deserving of concerted action by this Council. Upholding the legal and physical protection of children, women and indeed civilians in general should be actively advocated with all the parties. Further along, any peace discussions need to formally provide for women to play an active role, with their interests directly reflected in the outcomes, including the justice arrangements for the post-conflict phase. In conflict and post-conflict settings, justice institutions are not sufficiently responsive to women's rights and concerns. This Council can make an important contribution to ensuring the rights of children and of women - as victims, as survivors, or even as key social and political actors- will receive proper

attention, with focused funding, in Syria, but also in Mali, in South Sudan, in Afghanistan, indeed wherever these rights are jeopardized.

The intersection of statelessness and human rights is evident. Stateless people fall into a human rights void, lacking a national identity or legal personality. For the millions around the world, no effective nationality means identity documents conferring legal personality and the rights, such as access to health care, to education, to property, to the freedom to leave and return to a country, are simply not available.

The issue of statelessness has not yet achieved the prominence it deserves. UNHCR has been campaigning for increased attention to the issue, with some encouraging signs. The Human Rights Council is an important part of this momentum. The Council has adopted five resolutions on the right to a nationality , as well as a resolution on the right to birth registration, the latter having particular significance also in the refugee context.² An impressive number of recommendations have been made by the Council on nationality and statelessness under the UPR process – roughly 100 recommendations were made by over 30 States in the first UPR cycle alone. Going forward, UNHCR hopes that the Council might turn specific attention to the numerous protracted situations of unresolved nationality. These are swelling the numbers of refugees with the affected persons, such as those from Rakhine state in Myanmar, seeking their protection outside their countries of residence, including through embarking on unseaworthy vessels where so many are losing their lives. Ensuring that such people are able to acquire an effective nationality,

² Human Rights Council resolutions: *Human rights and arbitrary deprivation of nationality*, 27 March 2008, A/HRC/RES/7/10; *Human rights and arbitrary deprivation of nationality*, 26 March 2009, A/HRC/RES/10/13; *Human rights and arbitrary deprivation of nationality*, 14 April 2010, A/HRC/RES/13/2; *The right to a nationality: women and children*, 16 July 2012, A/HRC/RES/20/4; *Human rights and arbitrary deprivation of nationality : resolution / adopted by the Human Rights Council* , 16 July 2012, A/HRC/RES/20/5; *Birth registration and the right of everyone to recognition everywhere as a person before the law*, 22 March 2012, A/HRC/RES/19/L.24.

leaving no person avoidably outside the State-based system of protection, is a true test of our common commitment to the universal human rights framework.

Thank you