

**Presentation of the Director of Division of International Protection**  
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**Standing Committee – 24 June 2015**  
**Note on International Protection**  
**CRP 10(e)**

**Context for this year's note:**

- The period was marked by complex emergencies involving massive internal as well as cross-border displacement. By the end of 2014, the number of people displaced reached more than 59.56 million – the highest level on record. This includes 38 million IDPs, which represents a 15 per cent increase from 2013 to 2014 (11 million people newly displaced being the equivalent of 300,000 people a day)
- The number of people **risking their lives at sea** and undertaking perilous journeys over land, and placing themselves in the hands of **smugglers**, was evidence of the increasing levels of desperation in the face of conflict, violence, persecution and human rights violations – and in the absence of concrete solutions.
- **Restrictive measures** to curb access to asylum and freedom of movement in some regions (closed borders, visas restrictions, increased surveillance measures, push-backs, inaccessibility of legal channels, non-consensual transfer and relocation agreements) contrasted with the **generosity** of refugee hosting States and their communities in other regions. More equitable burden-sharing is urgently needed.

**Why this year's focus on the rule of law:**

- This year's note covers the June 2014-June 2015 reporting period and takes as its theme: the **rule of law**.

- The rule of law theme was chosen to highlight how in times of turbulence the **foundational principles of governance** hold even greater significance.
- Rule of law deficits are a direct cause of refugee and other movements, while good systems of governance and protection help states prevent and respond to sudden or large-scale displacement in an open and transparent manner. Including in emergency situations, UNHCR is working to assist States in strengthening their systems of governance and responses based on rule of law principles.
- We see the **rule of law as forward looking**. It helps us to move beyond the lowest common denominator by supporting the international protection framework and it is a central pillar of the work to address root causes and to lift obstacles to return.
- It is also action-oriented.
- It allows for greater **predictability and accountability, including for persons of concern themselves, who are important actors**.
- **Partnerships** with States, international organisations, legislators, civil society and the persons of concern themselves are key to building the rule of law and ensuring it is upheld in the face of pressures. UNHCR is encouraged by the number of **regional partnerships** which have rule of law at their core. The Brazil Declaration and Plan of Action, agreed in 2014 as part of the Cartagena Declaration's 30<sup>th</sup> anniversary events, is one of the most all-encompassing in terms of protection and solutions.

There were **many important developments supportive of the rule of law in the reporting period**, only some of which I am able to mention today:

- **We welcome new asylum legislation adopted for example in** Albania, Rwanda, and Sudan, with regulations on temporary protection approved in Turkey. Legislation governing IDPs was adopted in Ukraine and an IDP policy was adopted in Somalia. Draft IDP laws were developed in CAR,

DRC, Nigeria and Philippines and will hopefully be enacted in the near future. Tunisia incorporated the right to asylum in its new Constitution.

- At the core of protection systems, is the establishment by States of **fair and efficient** asylum determination procedures. UNHCR worked with many States to establish, or build their national systems, including through quality assurance projects in a number of Latin American and European countries. Yet despite this State responsibility, UNHCR is increasingly called upon to **determine refugee status under its mandate**. UNHCR registered 254,000 applications in 2014, a scale that puts UNHCR as the number 2 refugee status decision-maker in the world [behind Russia, which received 274,700]. This situation is unsustainable, requiring UNHCR to look at alternative processing and other strategies, to ensure those in need receive protection. UNHCR appeals to States to assume greater responsibility for RSD.
- We are also pleased to mention the release of UNHCR's **data protection policy**, in May 2015, which sets out the rules and principles on how to handle data of persons of concern collected or processed by UNHCR. The nature of their circumstances makes data of our persons of concern particularly sensitive, to which we need to remain attuned. UNHCR is the first UN agency to release such a policy and we are putting in place measures to ensure its smooth implementation at field level.
- A system based in the rule of law requires promoting greater access to rights such as the right to **documentation. An important development in 2015, taken last week, is the agreement to amend** Annex 9 to the 1944 Chicago Convention on Civil Aviation requiring Convention travel documents to be issued in machine-readable format. The final amendment will be released in October.
- In terms of fostering a rights-respecting protection and solutions environment, positive developments include the **Global Strategy – Beyond Detention** and the recent holding of an expert meeting in Toronto, Canada on alternatives to detention, as well as UNHCR's new

policy on **alternatives to camps** and the 2014-2018 global strategy for **livelihoods** - **both** aimed at empowering refugees and others and allowing them to take more responsibility in their lives. UNHCR is pleased that Turkey has introduced legislation to allow refugees to work. However, it must be noted that an important number of States retain reservations to the relevant provisions of the 1951 Convention and would encourage them to take steps to remove them.

- Ensuring that those with specific needs are protected is a matter of priority to UNHCR – how we treat the most vulnerable says a lot about ourselves and also reinforces the rule of law principles of equal treatment and non-discrimination. We are pleased that new efforts have been put into **strengthening access to justice** for refugees, returnees, IDPs and stateless persons, in Colombia, Egypt, Kenya, Ethiopia, Niger, Pakistan, South Africa and elsewhere through support to legal aid providers, mobile courts and documentation. In many cases we are making efforts to ensure that programmes are accessible to survivors of SGBV. For children, the adoption of a **child protection law** in Mexico is particularly notable, while 35 projects under the UNHCR Youth Initiative Fund will support youth empowerment.
- Although we will have another agenda item on solutions, I wanted to emphasise that early preparation for long term solutions has to be key to our interventions. We have a responsibility not to leave families “treading water” without a sense of hope for themselves or their children. Dependency must be a state of affairs of the past. Our experience is that those who are most empowered are often the first to return home to rebuild not only their own lives but also their countries. Displaced communities demonstrate their resilience through their ability to survive their flight. They deserve to be seen as contributors to their home countries, to the communities that host them and to countries of potential resettlement. We are pleased that **collaboration between humanitarian and development** actors has been stepped up in this regard in, for example, the Central African Republic, Mali and South Sudan and through the work of the Solutions Alliance. Another positive

development has been the call for children affected by conflict – including refugees and IDPs – to be accounted for in the Sustainable Development Goals planning process, supported by the Incheon Declaration of the World Education Forum in May. Such developments highlight the increased global recognition that crisis-affected populations can and must not be forgotten, and the fundamental role of states in promoting solutions.

- Governance failures by absent and fragile states represent a major cause for protracted situations of internal displacement. According to a recent study by The Brookings-LSE Project on Internal Displacement, 80% of the world's IDPs have been displaced more than five years. Recent regional efforts, including the entry into force of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) in 2012 are welcome, although more efforts are needed at the national level to implement the Convention while there is a need to develop similar instruments in other regions.
- Stateless persons are completely without national identity and national protection. Legal identity can only come through national measures based on Rule of Law principles. UNHCR's #Ibelong campaign is an appeal towards this end.

### **Concluding Remarks:**

We hope the note will inspire a positive and forward-looking discussion on the relevance of the rule of law and how it can be harnessed to foster an international environment supportive to the needs of refugees, stateless, and other displaced persons.

- Mr. Chair, Excellencies, Ladies and Gentlemen, the rule of law does not exist for the sake of law itself. Laws reflect and seek to engender the type of societies and civilization humankind would like to live in, and in which we can survive. I recall standing at a hole in the fence as Syrians from Kobane poured across less than one year ago. On one side there was conflict, deprivation, and loss of life. On the other

side of the fence there was medical assistance, security, registration and reception into a host community. International protection in these moments is very basic, very simple to understand, based on the dignity and respect of all human life. The rule of law aspires to safeguard and advance these basic notions. I look forward to working closely with all of you in furtherance of these common goals.