



# HOLY SEE

Statement by H.E. Archbishop Silvano M. Tomasi,  
Permanent Representative of the Holy See

to the United Nations and Other International Organizations in Geneva at  
the Intergovernmental event at the ministerial level on the occasion of the

**60<sup>th</sup> anniversary of the 1951 Convention relating to the Status of Refugees**

**and the 50<sup>th</sup> anniversary of the Reduction of Statelessness**

Geneva, 7 – 8 December 2011 PH

Mr. Chairman,

1.- Refugees have always been part of history. Unfortunately today their number and their suffering still remain a wound in the social fabric of the international community. They continue to challenge our conscience, each one of the 33 million persons whom the UNHCR is currently mandated to protect and assist. "A world where human rights are violated with impunity will never stop producing refugees of all kinds."<sup>1</sup> Uprooted by wars, political upheavals, ethnic cleansing, religious persecution and other human rights violations, refugees are both the flashing red light of alarm pointing out deep social and political failures and an urgent call to remedy their suffering. The Holy See is pleased to take part in these commemorations of the 60<sup>th</sup> anniversary of the major instrument of refugee protection and of the 50<sup>th</sup> anniversary of the 1961 Convention on the Reduction of Statelessness. It is a special moment to express appreciation for the generous work carried out and to motivate renewed commitment and search for innovative responses. The Holy See was among the original 26 States that took part in the Conference of Plenipotentiaries in July of 1951 which gave rise to one of the conventions we commemorate today. Despite the tense geopolitical situation of the time, the parties held the hope that they could produce a convention that would make the world a better, safer, more humane place. They succeeded in the efforts and for 60 years people fleeing persecution have found protection. The *Convention Relating to the Status of Refugees* was a good document for the time and was left open for greater inclusiveness. Intervening events and international agreements suggest possibilities that now can update and make more realistic the protection objectives of the Convention, in line with developments in this first part of the 21<sup>st</sup> century.

Mr. Chairman,

2.- At the close of last year's High Commissioner's Dialogue, he noted the lack of the right "to run for one's life." The refugee definition in Article 1 of the 1951 Convention provides for protection from persecution. Public culture and a greater awareness of human rights call for a new understanding of forced displacement to escape tragic situations that are equivalent to persecution, for example, natural disasters, or events that seriously disturb public order and mistaken economic policies which put a population in life threatening conditions. A culture of protection entails a dynamic evolution of standards which, in turn, will promote

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<sup>1</sup> Cfr. Pontifical Council 'Cor Unum' – Pontifical Council for the Pastoral Care of Migrants and Itinerant People. *Refugee: A Challenge to Solidarity*. Vatican City: Libreria Editrice Vaticana, 1992.

peaceful relations and the common good since they safeguard the dignity and the rights of every person at risk.

Moreover, the right to run for one's life entails the right to enter a foreign territory while at the same time consideration is given to both the good of the receiving society and the need of asylum-seekers. Burden sharing in this regard is not limited to the provision of financial support by wealthier States to States hosting large numbers of refugees, but also implies their acceptance of persons fleeing conflict or disaster in similar proportion to poorer States. Recent examples have shown that the gap between poor and rich countries in welcoming refugees remains significantly wide.

Regional measures have advanced humanitarian law by adopting a more comprehensive understanding of protection for forcibly displaced persons. The universalization of such norms would be beneficial and would encourage a new mentality of welcome.

Mr. Chairman,

3.- Article 4 of the 1951 Convention recognizes the universal right to freedom of religion in the same manner as accorded to nationals of the receiving State. Subsequent human rights treaties, however, have recognized that States may not impose restrictions on this right. In this Delegation's view, Article 18 of the International Covenant on Civil and Political Rights (ICCPR) should be used to interpret and apply article 4 and specifically recognize the right of a person to change his or her religion in accord with the dictates of his or her conscience.

In a similar fashion the rights to which refugees are entitled, for example the right to freedom of movement and the human right to work to support one's family must be given more respect and further extended in the coming years. Encampment, in our view, is permissible, for a short period of time, in an influx situation. But use of encampment as a permanent policy, and making access to legal work almost impossible for most refugees, are both practices which should be progressively abandoned.

Mr. Chairman,

4.- Article 22 of the present convention ensures the right to primary education for refugees on an equal footing with nationals. Today this right should be extended to include secondary education and vocational training . In fact, no child anywhere can be prepared to contribute to society if his or her education ceases after primary school. In this regard we would note the special need to see that girls and young

women receive education. In the first place, going to school is a form of protection. A well supervised, well run school is a deterrent to violence against women and girls. Moreover, providing education to girls and women affirms their equal dignity and prevent discrimination and confinement to secondary roles in society.

Mr. Chairman,

As we commemorate the 60 years of the refugee convention and the 50 years of the convention on the reduction of Statelessness, these are some concerns the Delegation of the Holy See wishes to raise as an encouragement to pursue protection for forcibly uprooted people in line with contemporary circumstances. The practical implementation of adequate forms of protection demands a political will that only deep convictions of solidarity and mutual responsibility for the common good can provide. The dialectical tension between the ideal response and existential pragmatism will persist. The way into the future, however, requires both a renewed effort to eliminate the root causes of forced displacement and a more comprehensive protection when displacements occur. The task eludes the good will of any single country and calls for coherence and cooperation. Pope Benedict XVI expresses the hope that the concept of the family of nations can acquire real force. He writes: “One senses the urgent need to find innovative ways of implementing the principle of the *responsibility to protect and of giving poorer nations an effective voice in shared decision-making. This seems necessary in order to arrive at a political, juridical and economic order which can increase and give direction to international cooperation for the development of all peoples in solidarity. To manage the global economy....; and to regulate migration: for all this, there is urgent need of a true world political authority ...* Without this, despite the great progress accomplished in various sectors, international law would risk being conditioned by the balance of power among the strongest nations. The integral development of peoples and international cooperation require the establishment of a greater degree of international ordering, marked by subsidiarity, for the management of globalization...”<sup>2</sup>.

In the area of forcibly displaced people, this ethical approach can open a way to a future when all human rights are fully accorded to refugees and the right of any human being to run for his or her life is acknowledged and respected.

Thank you, Mr. Chairman!

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<sup>2</sup> Pope Benedict XVI, Encyclical Letter *Caritas in Veritate*, n. 67.