

**Introductory Statement by George Okoth-Obbo, Director, Division of International Protection Services, for Agenda item 3: International Protection, 42nd Meeting of the Standing Committee of the Executive Committee of the High Commissioner's Programme Geneva, 24 – 26 June 2008**

Thank you Mr Chairman,  
Distinguished Delegates, Ladies and Gentlemen,

2008 marks the 60<sup>th</sup> anniversary of the Universal Declaration of Human Rights. This year's Note on International Protection, contained in document EC/58.SC/CRP.10 before you, has thus examined the state of international protection worldwide through the lens of the Declaration. In presenting the Note this morning, I wanted to underline this relationship between refugee protection and human rights and update on some developments which have taken place within the frame set by the Note since it was prepared. My statement which is being distributed in the room has much more detail in these respects. For now, I shall try to be as brief as possible and will thus aggregate and thematize the key points to which the Note has drawn attention.

First, on the relationship between refugee protection and human rights. As delegates will have seen, the Note has focused particularly on Articles 13, 14 and 15 of the Declaration, that is, the rights, respectively, to leave and to return to one's country, the right to seek and enjoy asylum from persecution, and the right to a nationality. In its own right, the Declaration is relevant to the protection of persons of concern to the Office, since, as it says, everyone is entitled to all its rights and freedoms "without distinction of any kind". This Committee itself has however specifically affirmed that **refugee protection is ultimately about human rights protection**. The 1993 World Conference on Human Rights underscored this same point, reiterating that refugee protection is an integral part of the human rights paradigm.

Mr Chairman, when the relationship between the system of international refugee protection and that of international human rights is asserted, it is not only to make a technical or academic point. It is rather to stress that ultimately, refugee protection itself is about the most fundamental and universal values of all, namely human dignity, safety and the ability of a person to realize the most fulsome of the rights due to a human being as possible, even if the normal axis for the enjoyment of these rights, the individual's relationship with the State of his or her country of origin, might have been disrupted by forced displacement.

What, then, does the Note show on the state of the rights of this category of persons of concern to UNHCR? The first strand of the picture the Note shows is that, globally, States still honor and fundamentally deliver on their humanitarian obligations to provide asylum and protection to those who are forced to find safety away from home. Since the last Standing Committee in June 2007, thousands of asylum-seekers have been able to gain entry into, and find protection in, the countries in which they have sought entry. In this respect, a development which has taken place since the Note was prepared and which merits mention today in reference to the right to seek asylum was the approval in June of a new Law for the Protection of Refugees in Nicaragua. The law applies a broad refugee definition which specifically includes gender-related persecution. It provides for favourable procedural norms, allows

asylum-seekers and refugees to work and contains special provisions for unaccompanied and separated children. The Note highlights several examples of the proper and due treatment of asylum-seekers and refugees in line with particular standards of refugee law and, generally, of human rights. It shows the efforts being made to find solutions for them, an issue over which more will be said in the items of this Standing Committee relating to resettlement and protracted situations. And, as regards the **right to a nationality**, the Note brings out a number of examples of good State practice, including programmes to ensure that births of all children are registered so that they can prove their nationality or those which enable women to pass on their nationality to children on an equal basis with men. As for **internally displaced persons (IDPs)**, the Note shows that, in the different context in which the State of nationality or habitual residence is responsible for ensuring respect, protection and fulfillment of their rights, the same essential rights are relevant. In this respect, the recent judgment by the Constitutional Court of Colombia serves as an example of a State taking action on its responsibilities. The Court ruled that women displaced by the conflict in the country are disproportionately at risk compared to men, ordered the government to create 13 programmes for their protection, and prioritize women's access to emergency humanitarian assistance.

Mr Chairman, today, there are profound countervailing pressures and tendencies in the task of adhering to humanitarian obligations, and you will hear me in a few moments highlight some crucial concerns. Against this background, however, it is important to underline that States still critically honour their obligations to those who are forced to seek safety away from home. Yes, in a number of instances, asylum is under serious stress and there are even extreme transgressions taking place. But, fundamentally, there is resilience in the system and foundation of asylum and the will and determination of States and peoples across the world to ensure that this system functions. UNHCR earnestly acknowledges this and extends its sincere appreciation.

At the same time, Mr Chairman delegates will have seen in the Note the many instances that are the source of concern. With regard to the **right to seek asylum**, UNHCR has been specially concerned over the number of situations today in which political or security considerations have tended to dominate decisions, for instance, on admission and deportation, resulting in a particular threat to the *non-refoulement* obligations under the 1951 Refugee Convention and international human rights law. In this respect, the Note highlights the challenges in securing access to asylum in mixed migration movements, including the kind of issues that were addressed at the first of four regional conferences on this inter-face which took place last month in Yemen on Refugee Protection and International Migration, bringing together representatives from both sides of the Gulf to discuss the humanitarian challenges involved in responding to the increasing numbers of refugees and migrants traveling through the Horn of Africa, across to Yemen and onwards. Those challenges include, not only in this region, the long-term detention of asylum-seekers in some of the most inhumane and heart-wrenching conditions many will have seen for the reason alone of having sought asylum. And, as concerns the **right to enjoy asylum** and conditions of refuge, the Note covers extensive ground, including on two issues on which I have provided some further detail in the longer version of my statement today, namely sexual and gender-based violence (SGBV) and xenophobia. On statelessness, notwithstanding the positive examples the Note highlights, the magnitude of this problem nevertheless underlines that many a State does not yet have the safeguards to prevent statelessness at birth and that more needs to be done to address protracted statelessness situations.

Mr Chairman, the Note thus has a two pronged over-arching message and purpose, both of which are pertinent to the human rights framework. On one hand, the diligence which States continue to show in receiving and treating those in need of protection is underscored as, above all, being about the protection of the essential human rights of human beings. Secondly, however, the Note calls attention to and urges ever greater efforts in addressing those instances where compliance remains a challenge and the human rights of the individuals concerned are at stake. This overall question is posed in respect to specific issues in reference to human rights which UNHCR would be grateful to hear from delegates on, the results of which would be drawn upon for purposes of elaborating the General Conclusion to be adopted at the October session of the Executive Committee. Among these are:

- ✚ How can the protection of persons of concern be integrated better and more effectively draw on the international human rights framework in general and, particularly, the mechanisms that have been evolving more recently?
- ✚ As a specific example, does the Universal Periodic Review mechanism of the Human rights Council and the resulting Outcome Reports on specific countries provide any benefits which should be more systematically drawn upon?
- ✚ Would States see the role of the Human Rights Council in strengthening respect, protection and fulfilment of the rights of persons of concern?
- ✚ How can UNHCR work more effectively with sister agencies and partners to deliver as one in efforts to secure the protection and respect of the human rights of persons of concern and the integration of their concerns into wider programmes?
- ✚ In what ways can partners bring their particular perspectives and expertise to bear?

Mr Chairman, UNHCR looks forward to fruitful dialogue during this session on these and of course other questions touching on the protection of the rights of persons of concern to it under both the pertinent specific legal regimes and human rights generally.

I thank you very much for listening to me.

Tuesday 24 June 2008.