



**UNHCR Position Relating to the Resolution on
Safe Countries of Origin
(London, 30 November – 1 December 1992)**

UNHCR opposes the use of the notion of safe country of origin as an automatic bar to access to asylum procedures. It considers the notion to be contrary to the necessary individual determination of refugee status under the 1951 Convention which includes assessment of the subjective element of fear of persecution. It is impossible to exclude, as a matter of law, the possibility that an individual could have a well-founded fear of persecution in any particular country however great its attachment to human rights and the rule of law.

Where, however, the notion of safe country of origin is used as a procedural tool to assign certain applications to accelerated procedures (e.g. procedures for manifestly unfounded claims), or where its use has an evidentiary function, for example giving rise to a presumption of non-validity of claims, the Office has no objection in principle.

The decision to include countries in the safe country of origin list should only be based on verifiable current assessments of factual situations. Countries where there is more than an insignificant risk of persecution or other threats to life and freedom should not be considered “safe”. Therefore, countries where there is a civil war/strife should not be included in such lists.

In determining whether a country is “safe”, states should take into account the following factors: its respect for human rights and the rule of law, its record of not producing refugees, its ratification and compliance with human rights instruments and its accessibility to independent national or international organisations for the purpose of verifying and supervising respect for human rights.

Where the notion is used as a procedural tool for assigning claims made by persons coming from countries enumerated on the list to accelerated procedures, it should be ensured that these procedures contain the normal safeguards. If the fact that a country figures on the list gives rise to a presumption of non-validity of claims made by nationals of that country, the claimant should be given the possibility to rebut the presumption. For this rebuttal to be effective it should in turn be surrounded by procedural safeguards similar to those required for manifestly unfounded procedures, including an appeal or review possibility.