

**78<sup>th</sup> Meeting of the Standing Committee of the Executive Committee  
of the High Commissioner's Programme**

**Remarks by Ms. Gillian Triggs  
Assistant High Commissioner for Protection**

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Mr. Chairman, distinguished delegates, ladies and gentlemen,

Almost seventy years ago, on December 14, 1950, the United Nations General Assembly created the UN Refugee Agency and convened a conference to draft the Refugee Convention, signed the following year. And so began international efforts to protect those fleeing persecution and conflict.

Seventy years later, UNHCR reports that about 80 million women, men, girls and boys globally - the highest number ever recorded - have been forcibly displaced across borders and within their own country. Despite the UN Secretary-General's plea for a global ceasefire, supported by the Security Council, conflict continues to drive new displacements, compounding other root causes of flight: inequality, discrimination, environmental degradation, racism and xenophobia.

This mounting protection crisis has been heightened by the COVID-19 pandemic, prompting a challenge to the norms of refugee protection and solutions - the right to seek and enjoy asylum and the absolute prohibition on the return of a refugee to the place of persecution or conflict. Indeed, the health crisis has posed the most serious threat in the history of UNHCR both to long-recognized refugee law and to fundamental human rights.

Compounding the decline in respect for the legal regime underpinning refugee protection are the social and economic impacts of COVID-19 upon the most vulnerable in our communities, especially the 26 million asylum-seekers and refugees, the 47 million people displaced in their own country and unknown millions of those who are stateless.

I am pleased to have this opportunity to speak to members of EXCOM about the challenges - and opportunities - for UNHCR's protection work in these truly exceptional times. Our observations for this reporting year are made through the prism of the pandemic, which has illuminated as never before the fragility of many underfunded national health and social protection systems and the need for us all to work together to solve global crises.

The world has changed since 2018, when the international community agreed in the Global Compact on Refugees to the principles of solidarity and equitable sharing of the responsibilities and burdens of hosting growing numbers of refugees and the forcibly displaced. To give concrete effect to this vision, the first Global Refugee Forum was held last December, attended by 3,000 participants and generating over 1,400 pledges by States, civil society, scholars, local mayors, faith-based groups, business partners and refugees themselves.

It was, thus, with great optimism that UNHCR embarked upon its international protection work in 2020.

None of us could have imagined that a few weeks later, at the height of the pandemic:

- 164 countries would fully or partially close their borders to international travellers, about 100 making no exception for those seeking asylum, crippling the right to seek international protection;
- 23 States have made derogations from human rights treaties in response to COVID-19;
- Over 20 States have returned refugees to places of persecution and conflict, in violation of the prohibition on refoulement;
- Some States have denied disembarkation of asylum-seekers, pushing boats back to sea with tragic results for desperate people in the Mediterranean and Andaman Seas;
- Detention of asylum seekers has been employed as a disproportionate measure against the virus; and,
- For the first time in UNHCR's history, a temporary hold on resettlement departures was necessary, delaying the travel of nearly 7,000 refugees identified by UNHCR for resettlement awaiting a protection solution.

These and other measures in response to the virus are hopefully temporary. Some are necessary and proportionate responses to the pandemic. Many countries, such as Uganda, have reopened their borders to asylum seekers, while others have declined to do so. Some governments may be tempted to retain border restrictions and access to asylum once the virus has subsided. UNHCR remains concerned that such measure will become entrenched and the gains made over decades in international refugee protection will have been lost.

## **Borders**

There are times when States need to strike a balance between obligations under refugee and human rights law and public health. Reasonable measures can lawfully be adopted to protect against a deadly virus. Quarantine measures may, for example, be a legitimate restriction on the right to freedom of movement, provided they respect human rights. Innovative responses to the pandemic by some governments have ensured that asylum systems are maintained through remote renewal of documentation, registration and interviews. Some governments have accelerated case processing and health screenings upon arrival. These States have been courageous in showing that it is possible both to protect public health and to respect the right to seek asylum.

Health concerns do not, however, justify the arbitrary use of immigration detention, especially of children for whom detention of any kind is unacceptable.

By contrast with the right to freedom of movement - a right that may be balanced with other public interests - the principle of non-refoulement is non-negotiable and is not subject to derogation. There is no balance to be struck. The principle of non-refoulement protects refugees from forcible return to conflict and persecution both within a State's territory as well as at its borders.

### **Externalization of asylum processes**

In addition to border closures and restrictions on access to asylum, COVID-19 has accelerated an existing and emerging practice by a few States under which they seek to shift their asylum obligation to third States - to so called 'safe havens' or 'transit processing centres'. While the means of doing so may vary, such practices externalize or 'outsource' the assessment of asylum claims and deny access to protection in the first country of asylum. Some States have negotiated bilateral agreements with

countries in their region under which asylum-seekers are transferred involuntarily to a third State for refugee assessment. Other States have transferred asylum-seekers to remote islands, denying any possibility of relocation to and settlement in the country of first asylum. Some States have required asylum-seekers to pursue their claims while living in another country.

Typically, a third country of transfer will have limited resources, with fragile and overloaded health systems, limited asylum capacity and inadequate protection safeguards for refugees. Transfers have been made in the absence of testing, further risking public health. Transfers may be to unsafe conditions where asylum-seekers are at risk of being returned to a country of conflict or persecution, a form of indirect refoulement.

Some of the objectives offered for these forms of externalization - the need to save lives at sea or on other dangerous travel, to strengthen asylum systems along migratory routes, to combat smuggling and trafficking and to increase investment in development - are supported by UNHCR. But these important objectives can be achieved while also meeting the obligation to allow access to territory and to fair asylum processes.

### **Protection and socio-economic impacts of COVID-19**

COVID-19 is primarily a global health challenge. But it is also a protection challenge for which no precedent exists.

While the virus is blind to borders or socio-economic status, race or national origin, it has had a discriminatory impact on the most vulnerable people in the world. Among them are those who have

been forcibly displaced and who typically find work in the informal economy and are invariably the first to lose their livelihood when the economy declines. Loss of income, family lockdowns, evictions, school closures, denial of access to health and social services as well as rising xenophobia have had profound and probably long-term socio-economic impacts on vulnerable groups, especially those of concern to UNHCR:

- I have mentioned that, today, refugees, internally displaced persons, asylum-seekers and Venezuelans displaced abroad number about 80 million. This is an unfathomable, incomprehensible, statistic. It has greater meaning when we learn that about half of refugees are children.<sup>1</sup> While enrolment rates of refugee children at primary and secondary level have improved, school closures during COVID-19 have led to 1.2 billion children throughout the world missing out on their education for a time, magnifying risks for refugee and displaced children. Recent reports to UNHCR from the field confirm the vulnerability of these children to exploitation and abuse, a spike in teenage pregnancies and in trafficking and early child marriage, especially of children who are unaccompanied or separated from their families.
- The pandemic and national lockdowns have also generated a global spike in sexual and gender-based violence (SGBV) reflecting the loss of livelihoods, rising family tensions and closure of support services. To respond to a ten-fold increase in requests for help in some UNHCR offices, call centres and other remote services have been stepped up.<sup>2</sup>
- National responses have varied. It is true and encouraging that most governments have ensured access by refugees and the internally displaced to education and health services. Other

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<sup>1</sup> Demographic data is available for 77 per cent of refugees globally. For the remainder, UNHCR has estimated the demographics based on the refugee data available in host countries and other countries in the same region. This figure excludes Venezuelans displaced abroad.

<sup>2</sup> UN Secretary-General's policy brief: The impact of COVID-19 on women: <https://www.unwomen.org/en/digital-library/publications/2020/04/policy-brief-the-impact-of-covid-19-on-women>.

countries have denied them access to social safety nets and medical support, with particular impacts on older persons and persons with disabilities, especially those suffering mental illness.

- With a doubling of the number of people facing hunger globally, the secondary impacts of the pandemic are driving vulnerable people including refugees and internally displaced persons to adopt negative coping mechanisms. Survival sex, trafficking and child recruitment are reported by many UNHCR operations.

This brief description of the impacts of the health crisis demonstrates how readily international refugee law and human rights can be discarded, to the long-term detriment of vulnerable people.

COVID-19 has shown us that States need to solve global problems multilaterally and with solidarity. No single State can unilaterally manage or respond to a global crisis. The international protection system is dependent on all States respecting fundamental refugee and human rights and contributing their fair share to the protection of those displaced.

Together, with our partners, we must avoid long-term damage to the international protection regime and ensure that gains made over last 70 years are not lost. We need to be vigilant in upholding fundamental rights to protection and ensuring that all measures taken are appropriate and, most importantly, of a temporary nature.

To inform States during the pandemic, UNHCR has launched the ‘COVID19: Temporary Measures on the Impact on Protection’. The platform is now live on our website and will provide updated evidence to inform policy and identify trends and gaps in protection.

## **What has been the role of UNHCR in the face of these protection and socio-economic risks?**

UNHCR responds to emergencies wherever they arise in the world and is committed to ‘stay and deliver’ in response to COVID-19. Colleagues have never stopped working with the communities we serve, bringing our resources closer to affected populations, expanding digital technologies, scaling up 24/7 hotlines and call services and building the capacities of health workers.

As UNHCR works more closely with local communities, we are also committed to listening to and empowering the voices of all those forcibly displaced who have shown inspiring resilience in responding to the pandemic, offering their skills and energy to host communities, making face masks and soap for distribution, leading public information and hygiene campaigns, and offering their services as health workers and carers in the community. UNHCR continues to amplify the voices of refugee- and IDP-led organizations and to advocate to ensure they have a seat at the table for all discussions that relate to their plight. Having seen the benefits of remote technologies, UNHCR is scaling up communications with remote technologists to ensure we are truly accountable to affected people.

This week, we will release our new accountability report on UNHCR’s programs on age, gender and diversity, especially for persons with disabilities, older persons and youth. The Report shows how we work with the community to ensure that no one is left behind.



In February this year, I was pleased to launch the Strategic Framework of the Global Protection Cluster entitled 'Protection in a Climate of Change' that places protection at the centre of all humanitarian, peace and development action.

### **Durable solutions**

In developing these initiatives, UNHCR has focussed on three kinds of traditional durable solution: voluntary repatriation to the country of origin in safety and dignity, a welcome and integration within a host community, and resettlement of those refugees most at risk. In addition, and adopted in the Global Compact on Refugees, other local solutions and complementary pathways for admission to third countries, such as community sponsorship, education, labour mobility and family reunion, provide additional opportunities.

- Voluntary repatriation - often the preferred option by refugees - has also proved difficult in practice because displacement due to conflict is often protracted as we have seen in Afghanistan and Syria. Indeed, world-wide voluntary repatriation has declined from being an option for 15% of the global refugee population in 2005 to 3% in 2018. The root causes of flight have not been addressed - conflict and the failure of peace processes, poverty and inequality, environmental degradation, the destruction of land and property and overstretched medical and social services - so returns are not safe. In a time of COVID-19, some States are even reluctant to receive back their own nationals.
- As I have noted, travel restrictions led to a temporary hold on resettlement departures. While departures can now resume, it has become clear that, at best, resettlement provides a solution

for very few. In 2019, nearly 64,000 refugees resettled by UNHCR were resettled to 29 countries, representing fewer than 5% of the 1.4 million refugees assessed to be in need of resettlement.

- What then of the third option: local solutions and inclusion? There is a growing recognition that inclusion in one form or another provides the realistic and humane solution for the forcibly displaced. For example, of the solution-related pledges made at the Global Refugee Forum, including by countries like Zambia and the DRC, 73% offered to facilitate legal means to remain in the host country.

While the COVID-19 pandemic has created additional challenges to resettlement and voluntary repatriation it has also demonstrated the importance of integration as a durable and effective solution for refugees and those forcibly displaced or stateless. Ensuring the inclusion of all those in need of international protection in national health facilities, social services, education, the justice system and livelihoods, has become a priority with the decline in resettlement places and voluntary returns.

Many host countries have led the way in ensuring inclusion of those forcibly displaced, partly in enlightened self-interest to contain the spread of infection and partly to mitigate the socio-economic impacts of the pandemic on the most vulnerable in their communities. There are many inspiring examples of inclusion:

- Several countries in Europe have come forward asking refugees with medical backgrounds to participate in the national response to COVID-19, which will be possible through the European Qualifications Passport for Refugees.

- IDP communities in Central and Western Ukraine have joined local authorities to distribute groceries to older people, running counselling hotlines and conducting psychological support and art therapy classes for adolescents.
- In Khartoum, UNHCR is supporting a local Health Committee of displaced persons in working with the Ministry of Health, to monitor community members for COVID-19 related symptoms.

Other countries and donors have supported such initiatives with financial, material and technical contributions in a demonstration of solidarity and burden-sharing.

The international financial institutions have also shown flexibility and innovation in providing investment support for host countries. The willingness of the World Bank, for example, to provide grants in 2020 rather than loans under its dedicated window for Host Communities and Refugees, provides a model for increased investment and development support to strengthen health and social systems and to ensure access to education of all children.

## **Statelessness**

The obverse of inclusion is the shadow life of exclusion at the margins of society imposed by statelessness. UNHCR's 10 year “#IBelong” campaign to end statelessness by 2024 has passed the half way mark with some notable successes: 25 States have acceded to one or both the Statelessness Conventions; Kyrgyzstan has become the 1<sup>st</sup> country to announce that all cases of statelessness have been resolved within the State; the High-Level Segment on Statelessness convened in October 2019

as part of UNHCR's 70<sup>th</sup> Executive Committee stimulated 360 pledges to end statelessness by States, NGOs and civil society.

We have little more than 4 more years to meet the ambitious target to end statelessness in a world where growing ethno-nationalism and laws stripping persons of citizenship threaten to add to, rather than reduce, the loss of legal status. Fewer than half of all States have joined either of the two Statelessness Conventions. Currently, at least 50 nations discriminate between men and women with respect to nationality. 25 States do not let mothers confer nationality to children on an equal basis as fathers. Moreover, it is likely that COVID-19 has increased the risk of statelessness as birth registrations have ceased in some places, hopefully temporarily. Fortunately some of these States, including Eswatini and Liberia, made important pledges in this regard at the High-Level Segment.

## **Global Compact**

Against this background I return to the strategic objectives of the Global Compact on Refugees. COVID-19 has demonstrated, as almost no other global emergency could have done, the enduring relevance of the Compact, in particular the commitment to international solidarity and equitable sharing of the responsibility and burdens of hosting refugees and those displaced.

Several new initiatives were launched at the Global Refugee Forum that have direct relevance to the pandemic:

- The **Asylum Capacity Support Group has been created** to help countries develop their capacity to assess asylum claims with fairness, efficiency, adaptability and integrity.

- The **Three-year Strategy (2019-2021)** has been adopted on **Resettlement and Complementary Pathways** including community sponsorship, education, labour mobility and family reunion.
- UNHCR is stepping up its collaboration with **partners globally**: mayors, cities and local governments, refugee-led organizations, faith-based groups, INGOs, scholars and parliamentarians.
- The **global network of scholars** - GAIN - also launched at the Global Refugee Forum, now has a secretariat supported by Essex University in the United Kingdom and will provide for a vital means to promote the objectives of the Compact through research, analysis and training.
- **Support Platforms** have been launched for the Afghanistan situation (SSAR), the IGAD countries in the East and Horn of Africa and MIRPS in North of Central America and Mexico.
- The **digital platform** has been created as a ‘one stop shop’ for tracking implementation of the Compact and forum pledges.
- The **Climate Energy Challenge Action Group has been launched** to respond to the root causes and drivers of displacement that are linked to the adverse effects of climate change.

Each of these initiatives has proved vital in responding to the pandemic in the short term and also for the long term, including meeting the Sustainable Development Goals by 2030.

## Conclusions

We have learned a great deal from the COVID-19 pandemic; the initial optimism of last December has faded a little; commitments to the Compact’s principles of solidarity and responsibility and burden

sharing have waivered among some governments. The global challenge is to maintain the momentum of the Compact and Forum and to reinvigorate State commitments to international solidarity and protection for refugees and all those who are internally displaced or stateless. UNHCR has benefited from widening our collaboration with partners and affected refugee communities. Opportunities have been created to step up remote technologies to reach those increasing numbers fleeing conflict and persecution. Above all, we now understand -in a way that we have not fully understood -before that we can no longer exclude people on the basis of their legal status. Pandemics will affect us all, so no one is safe until everyone is safe.

### **High Commissioner’s Dialogue in December 2020**

These opportunities will be the subject of the High Commissioner’s Dialogue on Protection Challenges, to be held in December. The Dialogue will focus on the implications of the pandemic for all those we serve. It will consider how to amplify and adopt good practices to mitigate the health and socio-economic impacts of the pandemic and to prepare for the future.

In preparing for the future, UN Secretary General who has urged us to “recover better”, saying:

*“we simply cannot return to where we were before COVID-19 struck...The pandemic has reminded us, in the starkest way possible, of the price we pay for weaknesses in health systems, social protections and public services. It has underscored and exacerbated inequalities, above all gender inequity, laying bare the way in which the formal economy has been sustained on the back of invisible and unpaid labour...”*

I hope these words reignite our determination to meet the objectives of the Global Compact; to ease pressure on host countries, to enhance refugee self-reliance, to expand access to third country

solutions and to support conditions in countries of origin for return in safety and dignity. These are our strategic priorities to mobilize the political will to 'build back better' after COVID-19.

Above all, the future must be one of inclusion and mutual support.

Thank you.