

**72nd Session of the Executive Committee
of the High Commissioner's Programme**

**Statement by Ms Gillian Triggs
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Mr Vice Chair, Excellencies, ladies and gentlemen,

The High Commissioner has set the scene for this year's protection report to ExCom by observing that multiple crises around the world show how each of us is interconnected, that solutions lie in collaboration and the sharing of responsibility. These messages lie at the heart of UNHCR's protection mandate and of the principles of the Global Compact on Refugees as observed by the Vice Chair. As I have had the advantage of listening to your interventions over the last three days, that give overwhelming support for the principles of the Compact, I believe it has survived the stress test of COVID-19 and provides a viable strategy for the future.

In last year's report to ExCom, I stressed the unprecedented protection crises for families and children uprooted from their homes and villages, from schools and livelihoods, by conflict exacerbated by poverty, inequality, discrimination, poor governance, and the effects of climate change, completing the cycle of yet more violence. I spoke of:

- The denial of access to territory to claim asylum and refoulement to violence and persecution in breach of international law;
- The social and economic impacts of the pandemic on the most vulnerable; and
- The efforts by a few well-resourced countries to shift responsibility for asylum seekers to countries with significantly fewer resources.

A year ago, we hoped cautiously that the pandemic would subside in 2021 and that restrictive asylum practices would be lifted... that the world would return to some semblance of normality.

This optimism has been dashed, ironically as we mark the 70th anniversary of the Refugee Convention. The facts are sobering.

Most Member States have commented on the unprecedented numbers of displaced people, 82.4 million people globally, sadly nearly half of them children. 48 million have been displaced as citizens and residents of their own country, 80 per cent in Afghanistan being women and children. 26.4 million refugees have sought safety across national boundaries and armed conflicts remain unresolved and protracted, with new displacements in Ethiopia, and millions more displaced from Venezuela and South Sudan.

Despite the almost universal acceptance over the last seven decades of norms protecting refugees, in practice there are repeated violations, undermining the global asylum regime.

- Over the last year, 195 countries have fully or partially closed their borders on health grounds, 64 of them making no exceptions whatever for asylum-seekers. Walls and barbed wire fences present the visual images of denials of access to asylum stimulating xenophobia and hate that can in turn prompt attacks on refugee camps, and on humanitarian workers.
- Refoulement to violence and persecution has been reported in 39 countries and compelling evidence mounts of pushbacks at land and sea frontiers. Even as we speak, there is incontrovertible evidence of brutal pushbacks. UNHCR joins many of you in condemning the instrumentalization of those seeking protection.
- The loss of life at sea of people seeking protection is incalculable; search-and-rescue capacities have been reduced, disembarkation of those rescued at sea has been repeatedly denied; arbitrary detention of asylum seekers is increasingly used as a deterrent; all justified as necessary responses to national security and the pandemic, despite the availability of practical options to manage risks with digital processing, biodata identification and quarantine. Options we are pleased to see so many States have adopted.
- Protection needs have multiplied with the social and economic impacts of the pandemic; loss of livelihoods, evictions, homelessness, and poverty have especially affected people forcibly displaced. Gender-based violence has spiked during lockdowns, most notably affecting women and girls. Sadly, the many gains made in gender equality and the rights

of women and girls have been reversed with rising sexual exploitation and abuse, child marriages and early pregnancies. With school closures for over a billion children, thousands of girls from displaced families and from wider groups of society may never return to school, jeopardising their potential and their futures.

- Over 12 million people with disabilities are among those forcibly displaced worldwide. They and older people are disproportionately affected by conflict and violence and have suffered from increased discrimination during the pandemic. UNHCR is committed to mainstreaming age, gender and diversity in all our programmes.
- An especially troubling aspect of the health crisis is that while vaccines are generally available in developed countries, fewer than 3.5% of people have yet to receive the vaccine in Africa...adding fuel to the view of some that solidarity and responsibility-sharing are little more than empty words.

The 70th anniversary this year of the Refugee Convention prompts deeper reflection about these challenges to refugee protection.

The dire plight of forcibly displaced people begs the questions: What has the Refugee Convention achieved and is it capable of responding effectively, now and in the future, to the sheer scale and complexity, that so many of you have described, of today's displacements?

As many of you have stressed, the Refugee Convention remains even more vital today than in 1951 when 26 nations strove to find solutions for about 2 million people displaced in Europe six years after the end of the Second World War. National commitments to the Convention have saved millions of lives over the last 70 years, even in this time of COVID-19.

Contributing to the relevance of the Convention is that national courts and international tribunals have interpreted it as a living instrument developing legal jurisprudence for today's protection needs.

It is especially encouraging that 149 States are party to either the 1951 Convention, or its 1967 Protocol, or both. Moreover, State practice demonstrates recognition of the importance of the right

to seek and enjoy asylum, while the prohibition of refoulement is widely acknowledged as a binding on all countries as a norm of customary international law.

We have no shortage of laws and policies to protect the displaced: in addition to the Refugee Convention itself, there is a comprehensive body of international human rights law, two Statelessness Conventions, the UN's 2030 Sustainable Development Goals, the 2016 New York Declaration for Refugees and Migrants, the Global Compact on Refugees and, most recently, the UN Secretary-General's *Our Common Agenda*.

We have ample declarations of principle...the challenge is to implement them in practice.

Solutions have, however, been hard to find over the past year through the 'traditional' avenues...indeed, in this time of COVID-19, they have declined dramatically:

- While resettlement shows how countries are sharing responsibility, places have been at their lowest level in 20 years. Fewer than 35,000 refugees were resettled in 2020, 23,000 of them through the UN Refugee Agency. This is less than one per cent of the 20.7 million refugees in 2020. We are optimistic that this year and the next will see a rise in resettlement as nations rebuild their capacities as the pandemic subsides. We are especially encouraged by the United States' target of 125,000 places for the next year... an inspiring goal that we hope will encourage many more countries to increase resettlement places and broaden the base of countries doing so.
- Mr. Vice Chair, most refugees want to go home. As I stood on a hill in Cox's Bazar in Bangladesh, while on mission there recently, I was touched by a Rohingya refugee who looked across the narrow stretch of water to Myanmar saying how much he longed to return to his 'mother country'. But for him, and most others, it is unsafe to go home. Where root causes are ignored and conflicts continue, repatriation is just a dream. Only a quarter of a million refugees returned in safety to their country of origin in 2020. For those millions displaced in their own country, returns have also proved impossible where violence continues.

The United Nations Refugee Agency will continue its efforts to provide humanitarian assistance to improve conditions to enable returns in safety and to encourage more resettlement places. But as the opportunity for voluntary returns and resettlement places have declined – at least for the moment – what are the practical solutions?

1. Inclusion

As so many of you have recognized, over these last days, an answer lies in self-sufficiency and inclusion of refugees in the social safety nets of host countries, to non-discriminatory access to health services, accommodation, education and livelihoods. If a displaced person can work, she or he can contribute meaningfully to their host communities, to meet labor shortages, to care for the aged, to work in agriculture, health services and construction, and to enrich all our lives, as we have seen in sports with the Olympics refugee team, art and culture.

There are many examples of generosity, inclusion and refugee contributions:

- One that I wish to repeat is Colombia's leadership in providing a temporary protection status to 1.7m Venezuelans, and a pathway to citizenship, an extraordinary example of leadership in the region;
- protection has been given over many years, even decades, by Turkey, Lebanon, Jordan, Egypt, Iraq, Tanzania and Bangladesh, among others; many displaced children have in fact been included in primary education;
- we have also seen the development of the COVAX Facility for vaccines and the vital contribution of refugee communities, including those led by women, during the pandemic.

2. A second practical solution lies in increased humanitarian, development and peace initiatives

As the High Commissioner has made clear, most people who are forcibly displaced are escaping conflict and violence, bombs and bullets. They have no alternative but to flee. Our efforts, in response, need to be multi-faceted.

To tackle the root causes of displacement, we must invest to end poverty and inequality. Humanitarian assistance goes hand in hand with development and peace efforts. That is why the UN Refugee Agency is working closely with development actors, the private sector, International Financial Institutions (IFIs) such as the World Bank and with peace actors, to support host countries and countries of origin.

UNHCR calls for increased humanitarian support. Afghanistan is an important case in point. UNHCR and other actors in the humanitarian field are scaling up our efforts to support both for the millions of Afghan refugees hosted for many years by Pakistan and Iran and for the 3 ½ million Afghans now displaced within their own country.

The UN Refugee Agency is a champion for people who are internally displaced. We support countries operationally with technical advice, including practical implementation of the Kampala Convention on the internally displaced and we also lead the Global Protection, Shelter and Camp Coordination and Camp Management (CCCM) Clusters.

3. A third practical solution lies in the development of what are termed complementary pathways

While COVID-19 restrictions have limited access to some pathways, significant opportunities lie in improved access to labour mobility, the recognition of professional and other qualifications, education, community sponsorship, such as New Zealand's pilot and family reunions.

The recent launch with Canada of the *Business Case for Employment Pathways for Refugees* and work with *Talent Beyond Boundaries* are exciting initiatives to improve opportunities for livelihoods. A UNHCR pilot project with private sponsors supports the integration of refugees. And Duo Lingo provides language tests to enable university admission for refugee students, and university corridors are being established to increase the woefully low five per cent of displaced youths who currently have access to tertiary education (though I should acknowledge that this 5 per cent has raised significantly from just 1 per cent).

These are just a few examples of solutions in addition to resettlement and voluntary returns. But what challenges remain for an effective global asylum system? How do we identify our strategic priorities to be sure that UNCHR is fit for purpose?

Mixed movements

As we search for answers, UNHCR recognizes that the increase in mixed movements poses serious challenges. People fleeing civil or international conflict are likely to be assessed as refugees. It is much harder to identify people in need of international protection in large mixed movements where the drivers might be the search for opportunities and a better life, environmental degradation and loss of grazing lands, criminal gangs and intimidation, sexual exploitation and abuse, poor governance, political persecution, racial and other forms of prohibited discrimination or violence.

Over recent months, I have been able to go on missions to many front-line States that are or have been typically transit countries – in the Mediterranean, Malta, Cyprus and Greece, in Southeastern Europe, Bosnia and Herzegovina and Croatia, and in the Americas, Mexico, Guatemala and El Salvador.

While each country has unique characteristics, they have one characteristic in common. Each is faced with mixed movements of people with very different profiles. Sometimes, the only way a migrant can gain legal status and a travel document on arrival in a transit country is to apply for asylum, seriously overburdening national asylum systems to the point of collapse. Mixed movements, though not new, have exposed the global asylum system to the charge that it is ‘broken’, and that judicial procedures are too slow to resolve appeals and they are abused to avoid deportation.

Many frustrated Government officials have explained that, while despite a fair legal decision that a person is not entitled to international protection, their return to the country of origin in safety and dignity is difficult, if not, impossible to achieve.

The UN Refugee Agency takes seriously the concerns that have been expressed about the integrity of the asylum system. We offer technical support to front-line and host countries to develop fair and fast processes to identify people in need of protection. If fair and fast, with a right of appeal to an independent tribunal, the asylum system can be more effective in identifying those who can be returned home, when it is safe to do so.

I suggest we need a holistic response to mixed movements. We need strengthened asylum systems, more resettlement places, more legal pathways, such as labor mobility, education and family reunions. We also need to work with governments to improve conditions for voluntary returns and to unblock impediments to returns for those not in need of international protection.

The Comprehensive solutions Strategy for Ivoirian refugees including the application of the cessation clause is an excellent example of how the international refugee system can and does work when a holistic approach is pursued.

Externalization of international protection and penalization of refugees

One of the most troubling challenges to the 1951 Refugee Convention and the international system for asylum is that, while nearly 90 per cent of forcibly displaced people are hosted by poor and developing countries, some well-resourced nations seek to deny access to asylum by outsourcing their responsibilities to countries with much more limited capacities. They attempt to do so without the safeguards that must be included to ensure rights to protection.

Instead of equitable sharing of responsibility we see responsibility shifting to those with the fewest resources to bear it. This is morally, ethically and legally unacceptable and we urge all nations to meet their obligations to enable access to their territory to asylum-seekers, to grant international protection to those in need of it, and to avoid any risk of refoulement.

The UN Refugee Agency recognizes of course that States have the sovereign right to manage their borders to guard against health and security threats and to control crime and the scourge of trafficking in persons. But they must also respect refugee law, the right to seek asylum, the

prohibition on refoulement and the obligation not to penalize asylum-seekers who enters a country without authorization. One does not exclude the other.

LGBTIQ+

The protection of vulnerable LGBTIQ+ people also poses a serious protection challenge. People of a particular sexual orientation who are forcibly displaced may be denied their rights to access health services and are especially vulnerable to violence and persecution.

UNHCR and the UN Independent Expert on Protection Against Violence and Discrimination based on Sexual Orientation and Gender Identity held a global roundtable in June this year, the first such meeting that we have conducted in 10 years. About 600 people took part, committing to protect the rights of LGBTIQ+ displaced people much more effectively.

Climate change

When the dark clouds of COVID-19 lift – and with global access to vaccines they surely must – we will see with crystal clarity how climate change is forcing displacement. As the Holy See said in their intervention yesterday, “*the climate crisis has a human face*”.

The UN Secretary-General has also warned that “*The disastrous effects of a changing climate – famine, floods, fires, and extreme heat – threaten our very existence.*”

Climate change is a risk multiplier, exacerbating inequalities and community tensions leading to violence, conflict, and persecution. Many will flee across national borders and seek protection in other countries; many more will be displaced in their own countries. The UN Refugee Agency is responding to the growing incidence of displacement prompted in part by climate change and natural disasters with legal analysis, especially the evolving litigation in international and national tribunals who are considering climate induced movements, strengthened preparedness, enhanced resilience and by reducing our environmental footprint and those of refugee settlements.

Statelessness

The risk of statelessness remains as a root cause of displacement and violence and calls for constant vigilance. The historical denial of citizenship to the Rohingya is a tragic example. The World Bank has estimated that 1 billion people do not have documentary proof of their nationality and identity. While not all are stateless, they suffer the same risks of exclusion from social services, education, housing, and jobs. In *Our Common Agenda* the UN Secretary-General stressed that everyone must be seen and recognized and it has been so encouraging over the last days to hear how many of you have recognized the need to work towards the fulfillment of the *#IBelong* campaign.

UNHCR remains committed to its *#IBelong* campaign to end statelessness by 2024. I have wondered why UNHCR, seven or more years ago, agreed to such a formidably ambitious plan. An answer lies in the fact that statelessness appears to be easy to achieve. All that is needed are laws and policies to ensure that where there is a risk of statelessness, citizenship should be granted. It has not proved to be quite so easy. Significant advances have been made in national adherence to the two Statelessness Conventions and in efforts to ensure birth registration is available in hospitals and local communities. Iran, for example, has amended its laws to allow women to pass on their nationality to their children. But despite these advances, much remains to be done, especially as some have suspended civil and birth registrations during the pandemic, creating backlogs and increasing the risk of statelessness.

Recent evaluations of efforts to address statelessness, one by the USA and the other by UNHCR, are clear in calling for increased financial support and mainstreaming of the *#IBelong* campaign. UNHCR has accepted these recommendations and it is now a strategic priority to step up funding and advocacy over the next three and a half years of the campaign. With your support real progress in the *#IBelong* Campaign can be made.

Communications challenge

A final challenge is to communicate global protection needs and UNHCR's role in ensuring simple, clear language that avoids jargon and acronyms. In this world of social media and 280-

character tweets, we need to advocate to persuade those with open minds but who are perhaps sceptical about aspirations of equitable responsibility sharing. We need videos such as the one that began this ExCom meeting to move both hearts and minds. We need to tell the stories of those forcibly displaced, as Belgium did yesterday, to translate the incomprehensible number of 82.4 million people to one of empathy for one human being whose life is in peril.

Global Compact on Refugees

Mr Vice-Chair,

May I conclude by observing that the international protection crisis calls for urgent global collaboration and, above all, for political will. Over these last few days, we have heard repeatedly that the Global Compact on Refugees commands support from the Executive Committee Member States and from civil society. It has enduring value in providing practical pathways to solutions.

Many effective Compact initiatives are now up and running including the Clean Energy Challenge, the Asylum Capacity Support Group which has growing efforts to match pledges, and GAIN, the Global Academic Interdisciplinary Network, has now set up a Secretariat in Essex, UK. The support platforms for Afghanistan, IGAD and MIRPS have promoted regional collaboration, a ‘whole of society’ approach has evolved with mayors, cities and local authorities as often the first responders to those displaced, parliamentarians are aligning globally for reforms to end statelessness, and international migration judges are developing a coherent refugee jurisprudence, faith based groups ‘welcome the stranger’ and Religions for Peace has joined UNHCR to create a group of leaders as advisors to the High Commissioner. UNHCR is stepping up its efforts and cooperation with local refugee-led organizations who we know have proved so vital in the fight against COVID-19.

In the two years since the Global Refugee Forum, real progress has been made. The High-Level Officials Meeting in December will be the first opportunity to assess progress in achieving the four aims of the GCR, not by anecdote or wishful thinking, but by hard evidence. The OECD survey on financing and development assistance for refugees and their host countries is one of many data

sources. The Indicator Report will be launched at the HLOM, with data on progress towards the GCR objectives as well as analysis of progress on the GRF pledges and the GRF initiatives. It will not be a fully complete report, but it will show what has been achieved thus far. Senior government officials and stakeholders will take stock of what has been achieved, identify gaps, and seek solutions for consideration for the next Global Refugee Forum in 2023.

There is no doubt that we need to redouble our efforts to give practical meaning to the principle of equitable responsibility-sharing that lies at the heart of the GCR. This is one of UNHCR's key priorities and one that embodies the international principle of solidarity.

Thank you, our ExCom Member States, and to the NGO community, for your strong support for UNHCR and for the Compact and most importantly for the protection of refugees and all those displaced or stateless.

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