

## No. 108 (LIX) - GENERAL CONCLUSION ON INTERNATIONAL PROTECTION (2008)

*The Executive Committee,*

*Reiterating*, in the 60th anniversary year of the Universal Declaration of Human Rights, the enduring importance of freedom of movement and residence within the borders of each State, of the right to seek and enjoy asylum in other countries from persecution and of the right to a nationality, enshrined in Articles 13, 14 and 15 of the Declaration; and *recognizing* the importance of the rights in the Declaration to all persons of concern to UNHCR,

*Urging* UNHCR and its partners to continue to draw appropriately upon relevant international humanitarian and human rights law and, in cooperation with States, to adopt a rights- and community-based approach in engaging constructively with individual persons of concern and their communities in their work, including through partnership with relevant international and national human rights, humanitarian and development organizations and the active and inclusive participation of persons of concern,

*Welcoming* the succession of Montenegro to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and *appealing* to States which have not yet acceded to these instruments to consider doing so, and to States which have made reservations to consider lifting them,

*Deeply preoccupied* by current and persistent protection problems of persons of concern, including the rejection of refugees and asylum-seekers at frontiers without examination of claims for asylum or safeguards to prevent *refoulement*, long-term detention, continuing sexual and gender-based violence and exploitation, and manifestations of xenophobia, racism and related intolerance,

### **General international protection concerns**

(a) *Calls upon* States to scrupulously respect the principle of *non-refoulement*;

(b) *Also calls upon* States to take steps to prevent acts of violence against refugees and other persons of concern, to facilitate their access without discrimination to effective legal remedies, to safeguard their physical safety, to strengthen justice systems as appropriate, and to bring perpetrators of such violence to justice;

(c) *Welcomes* the development of asylum legislation and the establishment of processes for status determination and admission in a number of countries, often with the help and advice of UNHCR; *encourages* the States concerned to continue to strengthen their capacity; and *welcomes* in this regard the technical and financial support of other States and UNHCR as appropriate;

(d) *Stresses* the importance of UNHCR's being granted access to asylum applicants and refugees in order to enable the Office to carry out its protection functions in an effective manner, and *urges* States and other parties to be guided by their duty to cooperate with the High Commissioner in the performance of his humanitarian protection and assistance functions, which can only be effectively accomplished if he has access to camps and settlements of his concern;

(e) *Welcomes* the discussions in the High Commissioner's Dialogue on Protection Challenges in December 2007, and *affirms* the mandated role of UNHCR in the identification of refugees and other persons of concern to the Office in mixed migratory movements with a view to meeting their international protection needs; *recognizes* the importance of enhanced cooperation among States, UNHCR, international agencies, including the International Organization for Migration, and other relevant actors, to address the complex problems arising in the context of mixed migratory movements including people smuggling and trafficking in persons;

### **Age, gender and diversity mainstreaming approach**

(f) *Commends* UNHCR for further pursuing its age, gender and diversity mainstreaming (AGDM) approach aimed at ensuring gender equality and equal enjoyment of rights, regardless of age, gender or background;

(g) *Welcomes* the AGDM Accountability Framework, and *urges* the Office to address resolutely all outstanding obstacles to embedding the strategy more comprehensively within and across the organization, resourcing as fully as possible the priorities in this area and expanding and deepening partnerships;

(h) *Recognizes* the importance for States to promote an age, gender and diversity-sensitive approach, taking into account such information in the implementation of applicable international refugee instruments;

### **Refugees and others of concern with disabilities**

(i) *Welcomes* the entry into force of the Convention on the Rights of Persons with Disabilities and its Optional Protocol; and, for State parties, *underlines* that refugees and others of concern to UNHCR with disabilities are entitled on the same basis as others to the full enjoyment of the rights and standards set forth in these instruments without discrimination;

(j) *Emphasizes* the importance of promoting a protection and reception environment, with particular attention given to vulnerability of children and women, that encourages the systematic inclusion of refugees and others of concern with disabilities in all areas of society, including in national programmes and policies, and mobilizes financial and other necessary resources, as appropriate, to support host countries efforts in this regard on the basis of international solidarity and burden sharing;

(k) *Urges* UNHCR and its partners to take all necessary measures to actively promote and achieve inclusion of persons with disabilities, at all stages: displacement, temporary settlement and in the search for durable solutions, in order to reduce the gap between principles and standards and the reality experienced by displaced persons with disabilities;

### **Protracted refugee situations**

(l) *Recognizing* the need for Governments, UNHCR and the international community to continue to respond to the asylum, protection and assistance needs of refugees until durable solutions are found, and while noting that voluntary repatriation, local integration and resettlement are the traditional durable solutions for refugees, *affirms* that voluntary repatriation is the preferred solution, when feasible;

(m) *Welcomes* the High Commissioner's initiative to unlock and find comprehensive solutions for protracted refugee situations; acknowledges the contribution the ongoing "UN Delivering as One" process may make to such solutions; *recognizes* that, in protracted refugee situations, developing countries and countries in transition carry a heavy burden by hosting large numbers of refugees and asylum-seekers; and *reiterates* a strong commitment to uphold the principles of international solidarity and burden sharing;

(n) *Stresses* the importance, while searching for solutions, of supporting the efforts of host countries to enhance education, health care and provision of other basic services in refugee-impacted areas, and *encourages* State parties to respect the full range of rights included in the 1951 Convention and its 1967 Protocol and, mindful of the particular conditions applicable, to explore the most practical and feasible means to accord freedom of movement, and other important rights underpinning self-reliance;

### **Resettlement**

(o) *Welcomes* the progress that has been achieved in increasing the number of States offering opportunities for resettlement and the number of refugees resettled, in particular of women and girls at heightened risk;

(p) *Encourages* UNHCR to continue its efforts in collaboration with resettlement countries to promote the use of resettlement strategically;

(q) *Reaffirms* the strategic use of resettlement as an instrument of protection and its use as a durable solution, especially to resolve protracted refugee situations; *notes* the exponential increase in the number of refugees in need of resettlement identified by UNHCR as a result of its concerted efforts to conduct needs-based assessments; *urges* States without existing resettlement programmes to offer places for refugees recognized by UNHCR and in need of third country resettlement; *encourages* States with existing programmes to consider making available more resettlement places; and *acknowledges* the importance of registration as a tool of protection and as a means to enable quantification and assessment of the need for resettlement;

### **Internal displacement**

(r) *Recalls* Conclusions [No. 75 \(XLV\)](#) and [No. 87 \(L\)](#) on internally displaced persons; *takes note* of [resolution 53/125](#) adopted by the United Nations General Assembly in December 1998; *acknowledges* that UNHCR is a partner in the humanitarian reform efforts and has a leading role in the emergency shelter, protection and camp coordination clusters; and *further notes* that the primary responsibility for the welfare and protection of IDPs lies with the State concerned; *reiterates* the relevance of the Guiding Principles on Internal Displacement and *reaffirms* its support for UNHCR's role with internally displaced persons on the basis of criteria specified by the General Assembly, which includes not undermining the mandate of the Office for refugees and the institution of asylum;

(s) *Takes note* of UNHCR's role in the context of inter-agency arrangements for the protection of internally displaced persons based on the principles of predictability and accountability developed under the United Nations humanitarian reform process;

(t) *Takes note* of the inter-agency "Handbook for the Protection of IDPs" and the "[Protection of Conflict-induced IDPs: Assessment for Action Framework](#)"; and *invites* concerned States, agencies, non-governmental organizations and other relevant actors to make use of these tools, as appropriate, as common standards and frameworks for their actions in providing for the protection of internally displaced persons and affected populations;

(u) *Notes* UNHCR's consideration of the Principles of Partnership developed by the Global Humanitarian Platform;

#### **Statelessness**

(v) *Welcomes* the accessions of Austria, Belize, Montenegro, Romania and Rwanda to the [1954 Convention relating to the Status of Stateless Persons](#), and of Brazil, Finland, New Zealand, Romania and Rwanda to the [1961 Convention on the Reduction of Statelessness](#); and *encourages* all States that have not done so to give consideration to acceding to those instruments;

(w) *Welcomes* UNHCR's intensified efforts to identify and to protect stateless persons; *encourages* States to prevent and reduce statelessness by adopting and implementing safeguards in nationality laws and policies, consistent with fundamental principles of international law, and by facilitating birth registration as a means of providing an identity; *stresses* safeguarding the right of every child to acquire a nationality, particularly where the child might otherwise be stateless, and considering, as appropriate, facilitating the naturalization of habitually and lawfully residing stateless persons in accordance with national legislation; and *requests* UNHCR to continue to provide technical advice and operational support to States;

#### **Agenda for Protection**

(x) *Welcomes* UNHCR's initiative to commence a review of achievements made under the Agenda for Protection, to identify outstanding challenges and assist States, upon request, to devise national plans of action in a consultative and inclusive manner with relevant stakeholders and actors so as to enhance the international protection of refugees and others of concern on the basis on the Agenda; and *encourages* States to take part in this process in a consultative and inclusive manner with relevant stakeholders and actors.