

**Statement by Carolyn Hannan,  
Director, United Nations Division for the Advancement of Women**

**At the Workshop on  
Migrant Rights: War, Terrorism, and National Boundaries**

**Conference on: “Human Rights, An Endangered Concept:  
The United Nations and the Advancement of Human Rights”  
North Carolina State University Campus  
Saturday 14 April 2007**

Distinguished participants,

It is with great pleasure that I join you this afternoon in this workshop on “Migrant rights: War: Terrorism and National Boundaries” to discuss the human rights aspects of migration, with particular attention to women refugees, asylum seekers and internally displaced. I congratulate the West Triangle and Wake County Chapters of the United Nations Association of USA for putting this important topic on the agenda of today’s conference.

Migration is not a new phenomenon. The movement of populations across the world for reasons related to, amongst others, climatic changes, demographic growth, wars, and alterations in trade and production patterns has always been part of human history. The recent processes of ‘globalization’ have led to an increase in the cross-border flows of people by facilitating interconnectedness in all aspects of contemporary life.

Women have long constituted a significant portion of the world’s international migrants. What is different today is the scale of the migration of women and the entry of women into migration streams that had previously been primarily male. At no time in history have as many women been on the move as today; women constitute nearly half of the world’s 191 million migrants.

While a majority of female migrants move voluntarily for family or work purposes, a smaller number have been forced to leave their homes as a result of, among other factors, conflict, repression, human rights violations, political instability, and natural disasters. Some are displaced internally whereas others move across national borders.

At the start of 2006, the number of people “of concern” to the Office of the United Nations High Commissioner for Refugees (UNHCR) – which includes refugees, civilians who have returned home but still need help, internally displaced persons (IDPs), asylum seekers and stateless people - rose to 20.8 million, up 6 per cent from the 2005 total of 19.5 million. Of those for whom demographic data was available, 49 per cent were women and 46 per cent were children under the age of 18.

Refugees have a special status in international law. The 1951 Convention relating to the Status of Refugees defines a refugee as a person who “owing to well-founded fear of being prosecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country”. Refugee status has been applied broadly to include other persons who are outside their country of origin as a result of armed conflict, generalized violence, foreign aggression or other circumstances that have seriously disturbed public order, and who therefore require international protection.

According to the 1951 Convention, which was complemented by the 1967 Protocol, States must refrain from *refoulement* of refugees to countries in which they would face persecution. The Convention has been interpreted to require States to determine the status of asylum applicants at their frontiers or inside their territories in order to determine if they have valid claims to refugee protection. While the only obligation to a refugee is *non-refoulement*, in practice this has often meant admission to and asylum in the host country.

To gain recognition as a refugee, asylum applicants must demonstrate, first, that the level of harm they have experienced rises to persecution; second, that their own Government cannot or will not protect them from the harm; and third, that the persecution is based on one of the protected grounds included in the definition contained in the Convention.

In 2002, UNHCR issued two sets of guidelines on international protection to assist States parties to the Convention and national authorities determining refugee status in gender-sensitive assessment and in the processing of asylum claims – the guidelines on gender-related persecution and the guidelines on membership of a particular social group. The guidelines on gender related persecution indicate that “Even though gender is not specifically referenced in the refugee definition, it is widely accepted that it can influence, or dictate, the type of persecution or harm suffered and the reasons for this treatment. The refugee definition, properly interpreted, therefore covers gender-related claims. As such, there is no need to add an additional ground to the 1951 Convention definition”. The UNHCR guidelines on membership of a particular social group define a social group as “a group of persons who share a common characteristic other than the risk of being persecuted, or who are perceived as a group by society. The characteristic will often be one which is innate, unchangeable, or which is otherwise fundamental to identity, conscience or the exercise of one’s human rights”.

Women, like men, may be persecuted for political, ethnic or religious reasons. In addition, a woman fleeing discrimination or severe persecution for her failure to conform to strict social codes has grounds to be considered for refugee status. Such persecution may emanate from a government authority or, in the absence of adequate government protection, from non-state actors. Sexual violence, such as rape may – depending on the



As concerns about the costs of asylum, state security and ‘uncontrolled’ migration have led to a reshaping of asylum policies in many countries, two parallel trends have emerged, both impacting negatively on access to asylum and the treatment of refugees and asylum seekers. The first is the overtly restrictive application of the 1951 Convention and its 1967 Protocol, which has led to an increase in detention and exclusion and lack of due process. The second is the creation of alternative protection mechanisms that guarantee fewer rights than those contained in the Convention.

In some states there has been a gradual movement away from the rights-based approach towards more discretionary forms of refugee protection, based on

provides the basic standards on which principled action can be founded; political, in that it provides a truly universal framework within which states can cooperate and share the burden resulting from forced displacement; and ethical, in that it is a unique declaration by states party to the Convention and/or its 1967 Protocol of their commitment to uphold the rights of some of the world's most vulnerable people.

In an attempt to boost support for the international framework for protection principles, and to search for new approaches to enhance protection, UNHCR launched the Global Consultations on International Protection in 2001. The process aimed to promote a better understanding of protection dilemmas among both the beneficiaries of international protection and its providers. Rather than revising the 1951 Convention, action was taken to build upon it through multilateral dialogue and arrangements to improve burden sharing between countries. The Agenda for Protection, adopted as a result of the Global Consultations, identifies specific protection objectives. The programme of action contained in the Agenda for Protection calls upon States to, *inter alia*, meet the protection needs of refugee women and children. It also highlights the importance of applying a gender- and age- sensitive approach to the protection regime.

The rights of refugee women are also protected under other United Nations human rights treaties, including the 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The CEDAW Convention, although not specifically mentioning refugees in its articles, applies to all women living in a State which is party to the Convention, including refugees, asylum seekers and internally displaced persons. The treaty body in charge of monitoring implementation of CEDAW – the Committee on the Elimination of Discrimination against Women – regularly addresses the issue of refugee women, internally displaced women and women asylum seekers in its consideration of States parties' reports and in its concluding comments. For instance at its last three sessions (i.e. thirty-fifth session held on 15 May-2 June 2006, thirty-sixth session held on 7-25 August 2007, and thirty-seventh session held on 15 January-2 February 2007) the Committee addressed the issue of women refugee and/or asylum seekers in its concluding comments on Austria, China, Cyprus, the Democratic Republic of Congo, Greece, India, Malaysia, Malawi, the Netherlands, and Poland.

In 1998, the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2), were developed at the initiative of the Secretary-General's Representative on Internally Displaced Persons, providing specific guidance with regard to internally displaced women. The Guiding Principles, although not a legally binding instrument, are based on binding international human rights, humanitarian and refugee law. They contain provisions regarding internally displaced women's participation in the planning and distribution of humanitarian assistance (principle 18), women's health (principle 19), identification documents (principle 20), and education (principle 23).

The need to adopt gender-sensitive and human rights approaches in addressing the situation of refugees, asylum seekers and internally displaced persons is crucial. The rights of women and girls who are refugees and internally displaced are often denied. They may not have access to shelter, food, water, health care, including reproductive



consolidated appeals, field coordination arrangements and the development of humanitarian policies. In 2002, the Inter-Agency Standing Committee established a Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises mandated, within the overall objective of strengthening and enhancing the protection and care of women and children in situations of humanitarian crises and conflict, to make recommendations that specifically aim to eliminate sexual exploitation and abuse against refugee and internally displaced women.

Within the United Nations family, UNHCR is the lead entity mandated to safeguard the rights and well-being of refugees. In 1991, UNHCR issued the Guidelines on the Protection of Refugee Women in an effort to integrate the resources and needs of refugee women into all aspects of programming to ensure equitable protection and assistance activities. A decade later, in 2002, the Women's Commission for Refugee Women and Children, with the support of UNHCR, undertook an assessment of the

The work carried out by the United Nations entities and non-governmental organizations does not, and could not, replace the responsibilities of Governments in ensuring protection of refugees, asylum seekers and IDPs, in accordance with their obligations under international human rights, humanitarian, and refugee law. This does not in any way detract from the important roles and contributions of the United Nations and other international organizations, or of non-governmental organizations working at different levels. The United Nations and other international bodies have critical roles to promote, facilitate, and support and monitor the efforts of Governments, particularly in the states where elevated security concerns have led to practices that ignore human rights standards. Non-governmental organizations also play important advocacy, support and monitoring roles. I therefore again congratulate the North Carolina Chapters for taking up this important issue today.

Thank you