

**UNHCR Observations on the draft revision of the General Comment No. 1 on the Implementation of Article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in the context of Article 22**

**Introduction**

1. UNHCR welcomes the opportunity to provide its observations on the revision of the General Comment No. 1 on the implementation of Article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture) in the context of individual communications under Article 22.
2. As a subsidiary organ of the United Nations, UNHCR has been entrusted by the United Nations General Assembly with the mandate of providing international protection to refugees and, together with Governments, of seeking permanent solutions for the problem of refugees.[[1]](#footnote-1) Under paragraph 8(a) of its Statute, UNHCR shall promote ‘the conclusion and ratification of international conventions for the protection of refugees [and] supervising their application’.[[2]](#footnote-2) This includes supervising the application of the 1951 Convention relating to the Status of Refugees,[[3]](#footnote-3) its 1967 Protocol[[4]](#footnote-4) (hereinafter jointly referred to as the 1951 Convention) and the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (hereinafter referred to as the 1969 OAU Convention).[[5]](#footnote-5)
3. The views UNHCR would like to present to this Committee are informed by more than 60 years of experience supervising international refugee law instruments and providing international protection and direct assistance to refugees throughout the world. UNHCR’s interest in presenting its observations is based on the organisation’s duty to fulfil its mandate of ensuring the consistent and coherent interpretation of international refugee law. These observations make reference to international law, relevant UNHCR documents as well as Conclusions on International Protection adopted by the Executive Committee of the High Commissioner’s Programme (EXCOM) and serve to further inform the Committee.

**The principle of *non-refoulement* in international law**

1. Article 3 of the Convention against Torture contains an explicit *non-refoulement* provision. The principle of *non-refoulement* is central to the right to asylum and the cornerstone of international refugee protection.[[6]](#footnote-6) The principle of *non-refoulement* of refugees is encapsulated in Article 33 of the 1951 Convention and overlaps with other related protections in international law, including the protection from *refoulement* to a risk of torture under Article 3 of the Convention against Torture.[[7]](#footnote-7) International human rights law and refugee law are complementary and mutually reinforcing.[[8]](#footnote-8) The principle of *non-refoulement* developed under international refugee and human rights law stems from a single unified value: states must not exercise their sovereign power to regulate the entry, stay and removal of foreigners by forcing them to go to a country where they face threats to their lives or freedoms.[[9]](#footnote-9) In this regard, UNHCR welcomes the reference, in paragraph 27, to other prohibitions of *refoulement* including those mentioned in international refugee law instruments. It should be mentioned however that the principle of *non-refoulement* included in the 1969 OAU Convention is laid down in Article II(3), and not Article 5(1).[[10]](#footnote-10) Contrary to Article 33(1) of the 1951 Convention, Article II(3) of the 1969 OAU Convention includes an explicit prohibition of state measures compelling a person to remain in a territory where her or his life, physical integrity or liberty is at risk.
2. The principle of *non-refoulement* is a norm of customary international law.[[11]](#footnote-11) Further, in UNHCR’s view, protection from *refoulement* to a risk of torture has also attained the character of a peremptory norm of international law (*jus cogens).*[[12]](#footnote-12)

**General observations**

1. UNHCR welcomes the draft text of the Committee’s revised General Comment No. 1 and is of the opinion that this revision will have important positive implications for the protection of refugees and asylum-seekers.
2. UNHCR particularly welcomes the Committee’s confirmation of the absolute character of the protection from *refoulement* under Article 3 of the Convention against Torture (paragraph 8). While the principle of *non-refoulement* under Article 33 of the 1951 Convention allows exceptions in accordance with its second paragraph, the protection under Article 3 of the Convention against Torture does not allow for exceptions of any sort.[[13]](#footnote-13)
3. UNHCR further welcomes reference to the prohibition of indirect or chain *refoulement* (paragraph 12) and of collective expulsion (paragraph 13). UNHCR also welcomes the Committee’s statement that states should not take measures or policies, which would compel asylum-seekers to return to their country of origin despite a risk of torture or other forms of ill treatment (paragraph 14). Hereby the Committee refers, *inter alia*, to poor detention conditions as well as refusal to process asylum claims or their undue prolongatioon (paragraph 14).
4. Finally, UNHCR welcomes the confirmation that return to face a risk of torture and other forms of ill treatment at the hands of non-state actors is also prohibited under the principle of *non-refoulement*.

**Specific observations**

*Territorial and extra-territorial application*

1. UNHCR welcomes the Committee’s view that protection from *refoulement* applies wherever the state exercises jurisdiction,[[14]](#footnote-14) including on board a ship or aircraft registered in the state party (paragraph 9). In UNHCR’s view, it is important to affirm that protection from *refoulement* must be ensured wherever the state in question exercises jurisdiction over a person requesting or in need of international protection, including where acting outside its territory or territorial waters, for example, in the context of maritime search-and-rescue or other forms of interception at sea, including in international waters or in the territorial waters or territory of other states.[[15]](#footnote-15)
2. UNHCR would further like to suggest to the Committee to include reference to protection from *refoulement* applying at the border.[[16]](#footnote-16) In UNHCR’s view, the principle of *non-refoulement* prohibits – without discrimination[[17]](#footnote-17) – any state conduct leading to the return in any manner whatsoever, including rejection at the frontier or non-admission at international zones at airports.[[18]](#footnote-18)
3. UNHCR would also like to note that a large-scale arrival at borders or influx of people is no justification for the closure of borders to those seeking or in need of international protection, or imposing limits or barriers to access the state’s territory. The principle of *non-refoulement* should be scrupulously observed, including in all situations of large-scale arrival or influx.[[19]](#footnote-19)

*The element of risk*

1. As mentioned in paragraph 11, for a person to be protected under Article 3 of the Convention against Torture there needs to be ‘substantial’ grounds for believing that the person concerned would be in danger of being subjected to torture. Furthermore, according to the Committee, substantial grounds exist when the risk of torture is ‘personal, present, foreseeable and real … go[ing] beyond suspicion’. UNHCR welcomes this elaboration of the risk criterion, but would like to note that the ‘personal’ element should not lead to a restrictive interpretation. A person may be at risk of being singled out to be tortured. However, there may be situations in which entire groups may be at risk of being tortured, leaving each member of the group at risk. The fact that many or all members of a particular group are at risk does not undermine the validity of any particular individual’s claim.[[20]](#footnote-20)
2. Moreover, UNHCR welcomes that ‘the risk of torture must be assessed on grounds that go beyond suspicion’. In UNHCR’s view, this does not require a probability calculus, but requires an analysis of both quantitative and qualitative information on the situation in the person’s country of origin, assessed against the person’s circumstances.[[21]](#footnote-21) Additionally, UNHCR would like to note that a person may have a risk that is also faced by many others, and of a similar or same degree. In UNHCR’s view, no higher level of risk is required to be in need of protection.[[22]](#footnote-22)

*Access to fair and efficient procedures*

1. As mentioned above, UNHCR welcomes the Committee’s view – expressed in paragraph 14 – that states should not take measures or policies which would compel asylum-seekers to return to their country of origin despite a risk of torture or other forms of ill treatment, including refusal to process asylum claims or unduly prolonging them.
2. In this regard, UNHCR welcomes the safeguards included in paragraph 18 of the draft text. UNHCR would like to reiterate that states, in order to give effect to their international legal obligations in good faith,[[23]](#footnote-23) including the prohibition against *refoulement* and before taking action to remove or reject entry to the territory, are required to make independent inquiries[[24]](#footnote-24) as to the need for international protection of persons seeking asylum and provide such persons access to fair and efficient procedures for determining their protection needs and status.[[25]](#footnote-25)
3. UNHCR highlights that an asylum-seeker is normally in a particularly vulnerable situation. An application for international protection should therefore be examined within the framework of specially established procedures, carried out by qualified personnel possessing the necessary knowledge and experience, and an understanding of an applicant’s particular difficulties and needs.[[26]](#footnote-26)
4. UNHCR would like to suggest the measures listed in paragraph 18 be strengthened by including reference to (1) the right to be heard, (2) the right for asylum-seekers to contact a representative of UNHCR, and (3) for clear instructions, training and guidance to be provided to the competent official to whom the applicant presents her- or himself for dealing with asylum cases or more broadly cases involving protection from *refoulement*.[[27]](#footnote-27)

*Diplomatic assurances*

1. UNHCR welcomes the inclusion of an explicit section on ‘diplomatic assurances’ and supports the Committee’s view that they should not be used as a loophole to undermine the principle of *non*-*refoulement* (paragraph 20). UNHCR would like to suggest specific safeguards are included in the General Comment in case diplomatic assurances are requested and relied upon. In UNHCR’s view, it is essential that assurances contain an unequivocal guarantee that the person concerned will be safe[[28]](#footnote-28) and that clear procedures are established and implemented for obtaining and relying on diplomatic assurances, including measures of effective post-return monitoring and access to an effective remedy in case of non-compliance. In particular where there is a risk of torture or other forms of ill treatment, post-return monitoring mechanisms are not very effective.[[29]](#footnote-29) Diplomatic assurances may, in exceptional cases, be relied upon only when (1) the assurances are a suitable and effective means to eliminate the danger to the individual concerned; and (2) the sending state may, in good faith, consider the assurances reliable.[[30]](#footnote-30) Further, diplomatic assurances should only be requested and relied upon based on an assessment of the individual case, in light of all relevant information[[31]](#footnote-31) and subject to procedural safeguards prior to transfer.[[32]](#footnote-32) Finally, the use of diplomatic assurances in relation to refugees and asylum-seekers needs to be in compliance with international refugee law, in particular the 1951 Convention. UNHCR would like to suggest this is explicitly mentioned in the General Comment.[[33]](#footnote-33)

*Burden of proof*

1. UNHCR welcomes the list of non-exhaustive ‘indicators’ relevant for states to consider when assessing the risk of torture (paragraph 30). In this regard, UNHCR would like to point out that for many of these ‘indicators’ it cannot be expected for the individual concerned to provide ‘proof’. UNHCR therefore welcomes the view expressed by the Committee in paragraph 44, in the context of the submission of individual communications under Article 22 of the Convention against Torture, that ‘as regards potential factual contradictions and inconsistencies in the author’s allegations, the States parties should not require complete accuracy, as it can seldom be expected from victims of torture, unless such inconsistencies give rise to doubts about the general veracity of the author’s claims’. UNHCR recalls that while in general the burden of proof lies with the person submitting a claim for protection, the obligation to gather and analyse all relevant facts and supporting evidence is shared between the applicant and the decision-maker.[[34]](#footnote-34)

*Internal flight alternative*

1. UNHCR notes the Committee’s view that an internal flight alternative is not applicable, unless ‘the State of deportation has taken effective measures able to guarantee full and sustainable protection of the rights of the person concerned’ (paragraph 51). Similar to the application of an internal flight alternative in the context of the 1951 Convention, UNHCR would like to suggest the Committee adopt two main sets of analyses, i.e. a relevance analysis and a reasonableness analysis. Under the former it is important to assess whether the alternative place of relocation is practically, safely and legally accessible to the individual; and whether the individual is free from torture as well as other serious harm. Under the reasonableness analysis it is important to assess whether the individual can, in the context of the country concerned, lead a relatively normal life without facing undue hardship.[[35]](#footnote-35) According to UNHCR, when the risk of being subjected to torture emanates from the state, an internal flight alternative is normally not available. The state is presumed to act throughout the country. Moreover, if a part of the country is under control of a non-state actor, a careful examination needs to be made as to the relevance and reasonableness of the internal flight alternative. Protection must be provided by an organized and stable authority exercising full control over the territory and population in question.[[36]](#footnote-36) Furthermore, it would be inappropriate to equate the exercise of a certain administrative authority and control over territory by international organisations or non-state actors, with national protection provided by a state. Such control is often transitional or temporary and without the range of functions required and characteristic of a state, including the ability to readmit nationals to the territory or to exercise other basic functions of government.[[37]](#footnote-37)

**UNHCR**

**April 2017**

**----------**

1. UN General Assembly, *Statute of the Office of the United Nations High Commissioner for Refugees*, 14 December 1950, A/RES/428(V), para. 1, <http://www.refworld.org/docid/3ae6b3628.html>. [↑](#footnote-ref-1)
2. *Ibid*. para. 8(a). [↑](#footnote-ref-2)
3. The 1951 Convention relating to the Status of Refugees, 189 UNTS 137, <http://www.refworld.org/docid/3be01b964.html>. Article 35(1) of the 1951 Convention obliges States Parties to cooperate with UNHCR in the exercise of its functions. [↑](#footnote-ref-3)
4. The 1967 Protocol Relating to the Status of Refugees, 606 UNTS 267, <http://www.refworld.org/docid/3ae6b3ae4.html>. Article II(1) of the 1967 Protocol obliges States Parties to cooperate with UNHCR in the exercise of its functions. [↑](#footnote-ref-4)
5. The 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, 1001 UNTS 45, <http://www.refworld.org/docid/3ae6b36018.html>. Article VIII(1) of the 1969 OAU Convention obliges States Parties to cooperate with UNHCR. [↑](#footnote-ref-5)
6. UN General Assembly Res. 48/116, 21 December 1993. See also, ECOM Conclusion No. 65 (XLII) 1981, para. (b), EXCOM Conclusion No. 68 (XLIII) 1982, para. (f) and EXCOM Conclusion No. 71 (XLIV) 1993, para. (g). [↑](#footnote-ref-6)
7. UNHCR, *UNHCR intervention before the Court of Final Appeal of the Hong Kong Special Administrative Region in the case between C, KMF, BF (Applicants) and Director of Immigration, Secretary for Security (Respondents)*, 31 January 2013, Civil Appeals Nos. 18, 19 & 20 of 2011, para. 15, <http://www.refworld.org/docid/510a74ce2.html> [↑](#footnote-ref-7)
8. UNHCR, *Expert Meeting on Complementarities between International Refugee Law, International Criminal Law and International Human Rights Law: Summary Conclusions*, July 2011, <http://www.refworld.org/docid/4e1729d52.html>. [↑](#footnote-ref-8)
9. UNHCR, *UNHCR intervention before the Court of Final Appeal of the Hong Kong Special Administrative Region in the case between C, KMF, BF (Applicants) and Director of Immigration, Secretary for Security (Respondents)*, 31 January 2013, Civil Appeals Nos. 18, 19 & 20 of 2011, para. 17, <http://www.refworld.org/docid/510a74ce2.html>. [↑](#footnote-ref-9)
10. According to Article II(3) of the 1969 OAU Convention: ‘[n]o person shall be subjected by a Member State to measures such as rejection at the frontier, return or expulsion, which would compel him to return to or remain in a territory where his life, physical integrity or liberty would be threatened for the reasons set out in Article I, paragraphs 1 and 2’. [↑](#footnote-ref-10)
11. *Declaration of States Parties to the 1951 Convention and or Its 1967 Protocol relating to the Status of Refugees*, 16 January 2002, HCR/MMSP/2001/09, para. 7, <http://www.refworld.org/docid/3d60f5557.html>. For an elaborate analysis on the formation of customary international law, in particular regarding the principle of *non-refoulement*, see, UNHCR, *UNHCR intervention before the Court of Final Appeal of the Hong Kong Special Administrative Region in the case between C, KMF, BF (Applicants) and Director of Immigration, Secretary for Security (Respondents)*, 31 January 2013, Civil Appeals Nos. 18, 19 & 20 of 2011, paras. 19 to 71, <http://www.refworld.org/docid/510a74ce2.html> [↑](#footnote-ref-11)
12. UNHCR, *UNHCR Note on Diplomatic Assurances and International Refugee Protection*, August 2006, para. 16, <http://www.refworld.org/docid/44dc81164.html>. UNHCR, *Advisory Opinion on the Extraterritorial Application of Non-Refoulement Obligations under the 1951 Convention relating to the Status of Refugees and its 1967 Protocol*, 26 January 2007, para. 21, <http://www.refworld.org/docid/45f17a1a4.html>. UNHCR, *Guidance Note on Extradition and International Refugee Protection*, April 2008, para.18, <http://www.unhcr.org/refworld/docid/481ec7d92.html>. See also, EXCOM, Conclusion No. 25 (XXXIII) 1982*,* para. (b): ‘Reaffirming *the importance of the basic principles of international protection and in particular the principle of non-refoulement which was progressively acquiring the character of a peremptory rule of international law*’. [↑](#footnote-ref-12)
13. UNHCR, *UNHCR Note on the Principle of Non-Refoulement*, November 1997, part B (final para.), <http://www.refworld.org/docid/438c6d972.html>. [↑](#footnote-ref-13)
14. UNHCR, *UNHCR's oral intervention at the European Court of Human Rights - Hearing of the case Hirsi and Others v. Italy*, 22 June 2011, Application No. 27765/09, <http://www.refworld.org/docid/4e0356d42.html>. UNHCR, *Advisory Opinion on the Extraterritorial Application of Non-Refoulement Obligations under the 1951 Convention relating to the Status of Refugees and its 1967 Protoco*l, 26 January 2007, paras. 24, 26, 32-43, <http://www.unhcr.org/refworld/docid/45f17a1a4.html>. UNHCR, *Submission by the Office of the United Nations High Commissioner for Refugees in the case of Hirsi and Others v. Italy*, March 2010, paras. 4.1.1-4.2.3, <http://www.unhcr.org/refworld/docid/4b97778d2.html>. UNHCR, *UNHCR Submissions to the Inter-American Court of Human Rights in the framework of request for an Advisory Opinion on Migrant Children presented by MERCOSUR*, 17 February 2012, para. 2(4), <http://www.refworld.org/docid/4f4c959f2.html>. [↑](#footnote-ref-14)
15. UNHCR, *General legal considerations of relevance to NATO's engagement with the refugee and migrant movements in the Aegean Sea*, 8 March 2016, para. 3, <http://www.refworld.org/docid/56f3eeee4.html>. See also, EXCOM Conclusion No. 97 (LIV) 2003, para. (a)(iv). [↑](#footnote-ref-15)
16. UNHCR, *UNHCR Note on the Principle of Non-Refoulement*, November 1997, part E, <http://www.refworld.org/docid/438c6d972.html>. UN High Commissioner for Refugees (UNHCR), *Advisory Opinion on the Extraterritorial Application of Non-Refoulement Obligations under the 1951 Convention relating to the Status of Refugees and its 1967 Protocol*, 26 January 2007, paras. 26 to 31, <http://www.refworld.org/docid/45f17a1a4.html>. [↑](#footnote-ref-16)
17. According to Article 3 of the 1951 Convention, ‘[t]he Contracting States shall apply the provisions of this Convention to refugees without discrimination as to race, religion or country of origin’. [↑](#footnote-ref-17)
18. EXCOM Conclusion No. 6 (XXVII) 1977, para. (c); EXCOM Conclusion No. 22 (XXXII) 1981, para. II.A.2; EXCOM Conclusion No. 81 (XLVIII) 1997, para. (h); EXCOM Conclusion No. 82 (XLVIII) 1997, para. (d)(ii); EXCOM Conclusion No. 85 (XLIX) 1998, para. (q). See also, European Court of Human Rights, *Amuur v. France*, Application No. 19776/92, 25 June 1996, para. 43, <http://www.refworld.org/docid/3ae6b76710.html>. [↑](#footnote-ref-18)
19. EXCOM Conclusion No. 19 (XXXI) 1980, para. (a). [↑](#footnote-ref-19)
20. UNHCR, *Guidelines on International Protection No. 12: Claims for refugee status related to situations of armed conflict and violence under Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees and the regional refugee definitions*, 2 December 2016, HCR/GIP/16/12, para. 17, <http://www.refworld.org/docid/583595ff4.html>. [↑](#footnote-ref-20)
21. UNHCR, *Guidelines on International Protection No. 12: Claims for refugee status related to situations of armed conflict and violence under Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees and the regional refugee definitions*, 2 December 2016, HCR/GIP/16/12, paras. 21 and 89 to 92, <http://www.refworld.org/docid/583595ff4.html>. [↑](#footnote-ref-21)
22. UNHCR, *Guidelines on International Protection No. 12: Claims for refugee status related to situations of armed conflict and violence under Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees and the regional refugee definitions*, 2 December 2016, HCR/GIP/16/12, para. 22, <http://www.refworld.org/docid/583595ff4.html>. [↑](#footnote-ref-22)
23. Vienna Convention on the Law of Treaties, 22 May 1969, 1155 UNTS 331, Article 26. [↑](#footnote-ref-23)
24. *Hirsi Jamaa and Others v. Italy*, Application no. 27765/09, Council of Europe: European Court of Human Rights, 23 February 2012, paras. 146-148, <http://www.refworld.org/docid/4f4507942.html>; *M.S.S. v. Belgium and Greece*, Application no. 30696/09, Council of Europe: European Court of Human Rights, 21 January 2011, paras. 286,298,315,321,359, <http://www.refworld.org/docid/4d39bc7f2.html>; *Regina v. Immigration Officer at Prague Airport and Another, Ex parte European Roma Rights Centre and Others*, [2004] UKHL 55, United Kingdom: House of Lords (Judicial Committee), 9 December 2004, para. 26, <http://www.refworld.org/docid/41c17ebf4.html>; *Final Appeal Nos 18, 19 & 20 of 2011 (Civil) between C, KMF, BF (Applicants) and Director of Immigration, Secretary for Security (Respondents) and United Nations High Commissioner for Refugees (Intervener)*, Hong Kong: Court of Final Appeal, 25 March 2013, paras. 56, 64, <http://www.refworld.org/docid/515010a52.html>. See also, UNHCR, *UNHCR intervention before the Court of Final Appeal of the Hong Kong Special Administrative Region in the case between C, KMF, BF (Applicants) and Director of Immigration, Secretary for Security (Respondents)*, 31 January 2013, Civil Appeals Nos. 18, 19 & 20 of 2011, paras. 74 and 75, <http://www.refworld.org/docid/510a74ce2.html> and UNHCR, *B010 v. Minister of Public Safety and Emergency Preparedness: Factum of the Intervener (UNHCR)*, 2 February 2015, para. 13, <http://www.refworld.org/docid/54d09bb44.html>. [↑](#footnote-ref-24)
25. ExCom Conclusion No. 81 (XLVIII), 1997, para. (h); ExCom Conclusion No. 82 (XLVIII), 1997, para. (d)(ii) and (iii); ExCom Conclusion No. 85 (XLIX), 1998, para. (q). See also, UNHCR, *B010 v. Minister of Public Safety and Emergency Preparedness: Factum of the Intervener (UNHCR)*, 2 February 2015, para. 13, <http://www.refworld.org/docid/54d09bb44.html>. [↑](#footnote-ref-25)
26. UNHCR Handbook, para. 190. See also: UNHCR, *Steve Uche Nkosi v. Refugee Applications Commissioner and others: Written Submissions on behalf of UNHCR acting as Amicus Curiae*, 2 October 2013, Appeal No. 238/12, para. 4.2, <http://swigea56.hcrnet.ch/refworld/docid/52527f1e4.html>. [↑](#footnote-ref-26)
27. See further, EXCOM Conclusion No. 8 (XXVIII) 1977, para. e(1). UNHCR Handbook, para. 192. [↑](#footnote-ref-27)
28. UNHCR, *UNHCR Note on Diplomatic Assurances and International Refugee Protection*, August 2006, para. 25, <http://www.refworld.org/docid/44dc81164.html>. [↑](#footnote-ref-28)
29. Ibid., para. 26. [↑](#footnote-ref-29)
30. *Ibid*., para. 20. [↑](#footnote-ref-30)
31. *Ibid*., paras. 20 and 21. [↑](#footnote-ref-31)
32. UNHCR, *Global Consultations on International Protection/Third Track: Asylum Processes (Fair and Efficient Asylum Procedures)*, 31 May 2001, EC/GC/01/12, para. 13, <http://www.refworld.org/docid/3b36f2fca.html>. See also, UNHCR, *Guidance Note on bilateral and/or multilateral transfer arrangements of asylum-seekers*, May 2013, available at: <http://www.refworld.org/docid/51af82794.html>. [↑](#footnote-ref-32)
33. See for further information, UNHCR, *UNHCR Note on Diplomatic Assurances and International Refugee Protection*, August 2006, paras 27 to 37, <http://www.refworld.org/docid/44dc81164.html> [↑](#footnote-ref-33)
34. UNHCR Handbook, para. 196. See also; UNHCR, *Beyond Proof, Credibility Assessment in EU Asylum Systems: Full Report*, May 2013, pp. 86 to 88, <http://www.refworld.org/docid/519b1fb54.html>. [↑](#footnote-ref-34)
35. UNHCR, *Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative" Within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees*, 23 July 2003, HCR/GIP/03/04, para. 7, <http://www.refworld.org/docid/3f2791a44.html>. [↑](#footnote-ref-35)
36. UNHCR, *Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative" Within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees*, 23 July 2003, HCR/GIP/03/04, para. 17, <http://www.refworld.org/docid/3f2791a44.html>. [↑](#footnote-ref-36)
37. UNHCR, *Guidelines on International Protection No. 12: Claims for refugee status related to situations of armed conflict and violence under Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees and the regional refugee definitions*, 2 December 2016, HCR/GIP/16/12, para. 41, <http://www.refworld.org/docid/583595ff4.html>. [↑](#footnote-ref-37)