

PROTECTION OF REFUGEES WHO BELONG TO MINORITIES: THE UN HIGH COMMISSIONER FOR REFUGEES

Summary: UNHCR's main function is to provide international protection to refugees and to find durable solutions for them. Many of the world's refugees are members of minority groups who can no longer rely on their own State for protection. UNHCR is also mandated to oversee the implementation of the 1951 Convention relating to the Status of Refugees. The Organization's work is conducted from some 130 field offices and from its headquarters in Geneva.

The High Commissioner's Mandate

Most people can look to their own governments to guarantee and protect their basic human rights and security. But when a State is unwilling or unable to provide basic protection to its citizens, people may flee to seek safety in another country. The 1951 Convention relating to the Status of Refugees defines a refugee as a person who is outside the country of his/her nationality and unable or unwilling to return to it, "*owing to a well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.*" The United Nations High Commissioner for Refugees (UNHCR), the UN agency mandated to oversee the application of the 1951 Convention, provides international protection and assistance for some 22 million people, including refugees, returnees (former refugees), internally displaced persons and stateless persons around the world.

The 1951 Convention was initially conceived to protect the hundreds of thousands of persons displaced during World War II and its immediate aftermath, and applied only to persons in Europe who became refugees prior to 1951. Yet in the decades that followed, the refugee crisis spread throughout the world, and it quickly became clear that an international legal framework was required to protect all refugees. A 1967 Protocol to the Convention removed the temporal and geographic limitations of the 1951 Convention, extending the Convention's provisions to all persons who fall within its definition. To date, 136 States are party to the Convention and/or its Protocol.

The Link between Minorities and Refugees

Today, inter-ethnic and inter-racial tensions and conflict are erupting in nearly every region of the world. These conflicts are often rooted in power struggles and are aggravated by socio-economic inequalities. National, ethnic, and religious minorities are often vulnerable in these conflicts; many of the persons who flee their countries for fear of persecution are members of minority groups. The 1951 Convention recognizes this link in its definition of a refugee, which includes persons who flee persecution not only because of their political opinion but also because of their race, religion, nationality, or membership in a particular social group.

The relationship between human rights abuses suffered by minorities and refugee flows and internal displacement has been demonstrated time and again. The link between minorities and

refugees was also recognized in a resolution of the Commission on Human Rights, adopted in 2001, concerning persons belonging to national or ethnic, religious, and linguistic minorities. The preamble to the resolution expresses the Commission's concern over "the growing frequency and severity of disputes and conflicts regarding minorities in many countries and their often tragic consequences, and that persons belonging to minorities are particularly vulnerable to displacement through, *inter alia*, population transfers, refugee flows and forced relocation..."

UNHCR's Protection Response

UNHCR's principal role is to provide international protection for persons who have been forced to flee their country of origin. The Organization ensures that the international standards of refugee protection guaranteed in the 1951 Convention, its 1967 Protocol, and in various regional instruments, including the 1969 Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa and the 1984 Cartagena Declaration, are respected. Among the refugee rights UNHCR tries to protect is the fundamental right not to be forcibly returned, or *refouled*, to a territory where the refugee's life, liberty or physical security may be threatened. The Convention also requires non-discrimination in the application of its provisions and guarantees a certain standard of treatment in relation to education, housing, and employment.

To ensure the widest possible application of the Convention and, therefore, the greatest protection for refugees, UNHCR also promotes accession to the 1951 Refugee Convention, its 1967 Protocol, and corresponding regional refugee treaties.

When UNHCR is active in the country of origin, whether to conduct voluntary repatriation operations or, on occasion, to protect internally displaced persons, UNHCR has often been engaged in specific protection and assistance activities for minority groups. For more details on such operations, please refer to the South-East Europe Operation, Kosovo Update on the UNHCR web site: www.unhcr.ch.

Minorities and the Problem of Statelessness

Minorities are often disproportionately affected by problems of statelessness, sometimes as a result of discriminatory nationality and citizenship legislation, sometimes because of differences in nationality laws among the various States to which a minority group may have ties, and frequently because of misconceptions concerning what constitutes legal status.

Under the 1954 Convention on the Status of Stateless Persons, a person is "stateless" when he/she is not automatically considered a national (or citizen) under the laws of any State. To be stateless is often to be unable to enjoy the array of rights that are granted without question to citizens, such as the rights to education, work, travel, and health care. UNHCR acts as an intermediary between States and stateless persons in securing the standards set forth in the 1954 Convention and in urging States to provide or maintain nationality for persons who would otherwise be stateless through the provisions of the 1961 Convention on the Reduction of Statelessness. Unfortunately, as of 2001, only 53 States were party to the 1954 Convention and only 23 were party to the 1961 Convention.

UNHCR's activities to prevent and reduce the incidence of statelessness include promoting accession to the two statelessness conventions and providing technical and advisory services to

States on their nationality legislation and practice. UNHCR assists stateless persons by verifying whether they are, indeed, stateless and working with national authorities to resolve their legal status.

Human Rights and Peace Education

Providing education to refugees is a way of reducing racial and ethnic tensions and thereby preventing future human rights abuses and refugee flows. UNHCR has launched a number of pilot education projects on peace, human rights, and conflict resolution in both schools for children and through adult education. A school programme in refugee camps in Kenya, for example, offers peace education classes each week to some 42,000 children; 9,000 youth and adults have graduated from a similar community workshop programme. Peace education schemes have also been implemented in Uganda, Liberia, and Guinea, and discussions are underway for starting similar programmes in Ethiopia and the Democratic Republic of the Congo. It is hoped that these kinds of programmes will foster respect for human rights of all persons, including minority groups, and so remove a primary cause of refugee flows.

Global Consultations Marking the 50th Anniversary of the 1951 Convention

A process of Global Consultations was launched in 2001 to mark the 50th anniversary of the 1951 Convention and to promote the full and effective application of the Refugee Convention and its Protocol. The Consultations provide an opportunity for open discussions among governments, NGOs, academics, refugee experts, and refugees on a number of key protection policy issues. Expected outcomes of the talks range from consensus on approaches to protection dilemmas, to standard-setting, to the development of practical actions. Ultimately, the Consultations aim to reinvigorate the international refugee protection regime.

Further Information and Contacts

The UN High Commissioner for Refugees is based in Geneva and UNHCR offices are found in most countries. Addresses of UNHCR country offices can be found on the UNHCR web site: www.unhcr.ch. The web site also contains an extensive database, called REF WORLD, which contains international and national legal texts related to refugees and other documentation.

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