

The Parliamentary Standing Committee on Foreign Affairs and International Development (FAAE) met on 26 November 2020, to study the vulnerabilities created and exacerbated by COVID-19 in crisis and conflict-affected areas. Following the testimony of UNHCR Assistant High Commissioner for Protection, Ms. Gillian Triggs, below are UNHCR's answers to questions posed by Committee Members.

1. Question asked by Conservative MP Garnett Genuis:

Ms. Triggs, we hear a lot in Canada from communities that are particularly following the human rights situation of members of their own community that are in other parts of the world, who often raise concerns about challenge accessing the UNHCR certification process. There are a number of cases where this would apply. It would apply to individuals, for instance, who are not yet refugees, but still face persecution, people like the Sikh and Hindu minority community in Afghanistan, where there are big challenges. There are efforts to sponsor members of those communities, but they have a greater challenge accessing our refugee system because if they are still in country, they are not formally qualified as refugees. I'm thinking also about the situation of Pakistani minorities in Thailand who are often quite vulnerable, sometimes they're in detention camps, but I know you have limits operating there because Thailand is not a signatory to the refugee convention. As well, we hear about challenges from religious minority communities in the Middle East, who may not actually feel safe in refugee camps. I think this is important for you to hear because when there are some of the world's most vulnerable refugees, persecuted people who have trouble accessing the UN certification system, it leads to greater pressure for us to draw refugees from outside of that process. I would appreciate your thoughts on this challenge and any feedback on what steps the UNHCR can take to better ensure that a larger proportion of vulnerable people can actually be identified and certified as refugees.

Answer: The questions seems to be related to Canada's requirement under its private sponsorship of refugees program, specifically the Groups of Five (G5), according to which, as part of the application package, the sponsoring group will need to include proof that each applicant has been recognized as a refugee by UNHCR or by a foreign state.

UNHCR recommends to modify this requirement as it acts as a bottleneck for the program and creates unmanageable expectations. UNHCR has finite resources for refugee status determination, and depending on the country context, may or may not be able to support such requests. UNHCR will prioritise resources for cases that have been assessed to have resettlement needs. If there is a real commitment to allow cases to proceed as private sponsorship cases, then it should not necessarily be conditioned on a refugee status determination.

However, internally displaced populations do indeed not fulfill the refugee definition. A crucial element of the definition according to the 1951 Refugee Convention is that a person is outside the country of their nationality. For this reason, someone displaced within their county of origin cannot be recognized as refugee. We do however have past experience, including with Canada, in securing the relocation of particularly vulnerable individuals from their home countries. The specific example of this would be the arrival to Canada of Yazidi survivors of extreme persecution at the hands of ISIS in Iraq.

With regards to access for asylum-seekers and refugees, in many operations, UNHCR has undertaken particular efforts to encourage religious and other minorities to register and put in place measures to ensure that asylum-seekers have access to UNHCR registration and services without any distinctions

linked to religious or other background. These may for example include mobile registration teams, outreach teams, and Help Desks to areas where different minority groups are concentrated to facilitate registration and access to services.

Discrimination on religious or other grounds constitutes an abuse of authority that is considered misconduct for United Nations staff. Individuals who believe they have been discriminated against can make a complaint to the UNHCR Inspector General's Office, which safeguards the confidentiality of the person making a complaint. Similarly related to safety concerns, where those arise, in camps or otherwise, it is important for them to be reported to UNHCR.

2. Follow up question/clarification by Conservative MP Garnett Genuis:

Thank you, ma'am. I would welcome further information in writing, but I do want to clarify that my question was not just about internally displaced people. It included internally displaced people, but I also mentioned the case, for instance, again, of Pakistani minority communities, Ahmadiyya Muslims and Christians who are in Thailand who struggle to access the certification process, at least based on the testimony I've heard from many people in those communities. I'm sure best efforts are being made, but it's not just internally displaced people; it's also, from what we hear, people who are refugees who, in certain contexts, either because of the policies of states, challenges with UNHCR or questions of safety in camps have trouble accessing that certification process. That has implications for us, because if some of our refugee systems require people to be certified by the UNHCR, then they can't access those refugee systems, and it creates a greater pressure for us to not rely on the UNHCR certification process.

Answer: Please see above.

3. Question asked by Bloc Quebecois MP Stéphane Bergeron (translated in English by FAAE):

Yesterday, we marked the International Day for the Elimination of Violence against Women. One of the things we've seen with the pandemic is that reports of domestic violence, whether it's against women or children, have decreased dramatically during the pandemic. However, we are finding that the family cocoon is both a comfortable and safe place, but it is also a very secretive place where things happen. We are finding through further study that the level of violence has likely increased while reports have decreased. I would like to see if there is an international parallel. When Ms. Triggs was pointing out to us that relocations decreased during the pandemic period, is it possible to assume that in the same way during the pandemic period, we may have less indication that there may have been human rights abuses? In deepening our observation, are we able to say that on the contrary, there has been an increase in human rights abuses as global attention is focused on the fight against the pandemic and not on what the international community usually does with respect to human rights or the well-being of refugees?

Answer: UNHCR cannot speak on behalf of the international community as a whole and is not in a position to confirm a casual link between an increase in human rights abuses and a shift in attention by the international community.

However, our operations are indeed witnessing increased cases of violence, forced displacement, a rise in xenophobia and stigmatization, alongside discrimination in access to health, food, water, education and legal services for vulnerable and marginalized groups. Lockdowns and increased family tensions have led to spikes in gender-based violence across the world, with some UNHCR offices receiving ten times the number of usual calls for protection.

The UNHCR-led Global Protection Cluster, a network of UN agencies and NGOs working with States to provide protection to people affected by humanitarian crises of internal displacement, reported increases in gender-based violence in at least 27 countries. The sale or exchange of sex as an economic coping mechanism was also reported in at least 20 countries.

Furthermore, with regards to wider human rights issues, it is concerning that shortly after the pandemic started, more than 30 states have announced derogations from important human rights treaties in connection with COVID-19, for example from the International Covenant on Civil and Political Rights (ICCPR), the American Convention and the European Convention.

It will take a long time for affected populations to recover from the impact of the crisis and there is a real risk that derogations from human rights obligations and temporary measures to respond to the virus will be maintained long after they are needed, diminishing respect for international refugee and human rights norms.

There therefore is a need to remain vigilant in upholding fundamental rights to protection and continued advocacy, including by states such as Canada, that all measures taken need to be appropriate and, most importantly, of temporary nature.

4. Question asked by Bloc Quebecois MP Stéphane Bergeron (translated in English by FAAE):

Unfortunately, I have very little time. So I'm going to ask you three questions in quick succession. If you do not have enough time to answer all three questions, I would be grateful if you could provide us with additional answers in writing. Ms. Triggs, we know that the High Commissioner for Refugees works in collaboration with various agencies, including UNRWA, which is the agency for Palestinian refugees. Some agencies, including UNRWA, are experiencing funding problems that are calling into question their operations.

- How do we address this funding problem for a number of agencies working with refugees on the ground?

Answer: We urge governments and private sector partners to continue to support humanitarian agencies. There is no easy solution, as all humanitarian organizations are affected if others are underfunded. To that end UNHCR continues efforts to diversify its funding base, in order to reduce our reliance on a relatively small number of donor governments, and make funding more predictable, notably by advocating for multi-year agreements with donors. The most essential is to ensure that refugees get the help they need, and for millions of them humanitarian aid is their lifeline.

- People tried to leave Hong Kong by sea, but were intercepted by Chinese authorities. How does the UNHCR anticipate future population movements to ensure the safety of people who want to leave Hong Kong and seek refuge elsewhere?

Answer: UNHCR is closely following the situation and is aware of proposals by various countries to prioritize the admission of Chinese nationals from Hong Kong. That being said, UNHCR is the refugee agency and our mandate is triggered when individuals cross internationally recognized borders and seek international protection outside their country of origin.

- What can you tell us about the displacement of people following the conflict in Nagorno Karabakh?

Answer: As a result of the recent escalation in the conflict, up to 120,000 people were displaced from Nagorno Karabakh (NK) to Armenia. Following the 9th November ceasefire statement, UNHCR has observed the spontaneous departure of several thousand individuals from Armenia to NK, with up to 30,000 thought to have returned. The conditions and sustainability of these returns however remain unknown. The UN continues to actively negotiate with concerned parties for access to NK. Furthermore, in Armenia, some 80,000 to 90,000 individuals are living in a refugee-like situation where they are largely residing within host families or collective facilities. In Azerbaijan, the majority those who were temporarily displaced during the latest conflict - reportedly 40,000 - have now returned to their places of origin, but some individuals still cannot access their houses due to significant infrastructural damage and poor conditions. There are also an estimated 650,000 people in Azerbaijan who remain internally displaced following the conflict of the 1990s. The Government of Azerbaijan is now working towards the return of these formerly displaced individuals to the recovered territories (handed over through the implementation of the recent ceasefire statement). The UN has however been unable to carry out independent registration of those displaced by the recent conflict and as such the cited population data remains an estimate.