

**PROTECTING THE PERSECUTED:  
THE SUCCESSES AND CHALLENGES OF SAFEGUARDING  
REFUGEES, INTERNALLY DISPLACED PERSONS, AND  
STATELESS PERSONS**

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HEARING  
BEFORE THE  
TOM LANTOS HUMAN RIGHTS COMMISSION  
HOUSE OF REPRESENTATIVES

ONE HUNDRED AND TWELFTH CONGRESS  
SECOND SESSION

—————  
OCTOBER 26, 2011

TOM LANTOS HUMAN RIGHTS COMMISSION

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WEDNESDAY, OCTOBER 26, 2011

HOUSE OF REPRESENTATIVES,  
TOM LANTOS HUMAN RIGHTS COMMISSION,  
*Washington, D.C.*

The Commission met, pursuant to call, at 10 a.m., in Room 340, Cannon House Office Building, Hon. James P. McGovern [cochairman of the Commission] presiding.

[The statement of Cochairman McGOVERN follows:]

Cochairman McGOVERN. Good morning, everybody, and thank you for attending today's hearing to commemorate this landmark year for the protection of refugees, internally displaced persons and stateless persons. I would like to thank our witnesses for testifying today, and I would also like to thank Molly Hofsommer and the staff of the Tom Lantos Human Rights Commission for organizing this hearing.

This year marks the 60th anniversary of the U.N. Convention on the Status of Refugees and 50th anniversary of the U.N. Convention on the Reduction of Statelessness. These two conventions have been fundamental in establishing international protections for these vulnerable populations by enumerating their rights, as well as codifying the legal obligation of states.

Since the enactment of the Convention on the Status of Refugees 60 years ago, and a legal definition was established for the term "refugee," an estimated 50 million people have received legal protections. And the principle of nonforcible return has become a fundamental principle of international law. Likewise, since the enactment of the Convention on the Reduction of Statelessness 50 years ago, we have seen the creation of an international dialogue regarding the rights of statelessness persons. The Convention on Statelessness has protected millions of people around the world who have no legal bond of nationality and often do not receive protection or government assistance from any state.

Despite the remarkable accomplishments made possible by these conventions, forced population displacement and statelessness remain major concerns worldwide. The UNHCR reports there are currently 36.4 million uprooted or stateless people around the globe, and unfortunately the scope, complexity and numbers of these issues continue to grow.

Responses and solutions to displacement are complicated by many factors. Weak states, insecurity, unstable social conditions and economic crises are only a few examples of the many challenges facing governments, NGOs and multilateral institutions whose function is to assist refugees, IDPs and stateless persons. Protection efforts must be intensified, stronger partnerships established, and states encouraged to take concrete actions on behalf of these populations of concern.

I have had the opportunity both when I worked as a congressional aide to Congressman Joe Moakley of Massachusetts and now as a Member of Congress myself to meet with many refugees and internally displaced people. Beginning in El Salvador in the 1980s, during the terrible civil war, I became very familiar with IDPs and refugees, mainly women and children, ripped from their homes by conflict and violence, and often just as vulnerable in camps, with their only protection the religious and humanitarian workers who provided them with shelter and aid.

I have visited the refugee camps in eastern Chad where over 300,000 people from Darfur have fled the violence and destruction of their homes in Sudan. With each year that passes, these camps become more permanent, while their populations continue to long for the chance to return home. Without the support of the international community, they would be even more destitute, and their presence might not be tolerated by the Chadian Government.

In my many travels to Colombia, I have made it a point to meet regularly with IDP leaders in their communities. Second only to Sudan, Colombia has nearly 4 million internally displaced people, presenting significant challenges to the government and the international community.

The overwhelming majority of IDPs have been forced by violence to abandon their homes, moving primarily from rural areas to slums in nearby towns or major cities. I was in Medellin at the end of August where entire districts, known as comunas, were created by displaced rural communities. Today these neighborhoods are overwhelmed by criminal and gang violence, and urban displacement is growing exponentially.

In 2010, according to the official figures, over 5,900 people in Medellin were displaced by urban violence. In June, the ombudsman from Medellin predicted that that figure will likely double in 2011. Throughout Colombia, and indeed the world, urban displacement is a matter of increasing concern.

I think I may be the only Member of Congress to travel to the northern border region of Ecuador to review the situation of Colombian refugees there. Over 1 million Colombians have fled the violence in their country and sought refuge in all of Colombia's neighbors. This is a major humanitarian crisis right here in our own hemisphere, yet it receives very little attention and not enough resources.

Today we will hear from representatives of the U.S. Government, the U.N. Office of the High Commissioner for Refugees, and the NGO community. Today's witnesses will note the accomplishments of the U.N. conventions and make recommendations as to what more can be and must be done to address the needs of millions of people affected by displacement and statelessness.

It is my hope that this hearing will reinforce the critical need to advocate for the rights of refugees, IDPs and stateless individuals, and strengthen global protections for them. The international community and the United States in particular

cannot turn their backs on these populations, for as the UNHCR states, one displaced person is one too many.

Again I want to thank our witnesses for being here today. I look forward to receiving your testimony.

PREPARED STATEMENT OF THE HONORABLE JAMES P. MCGOVERN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MASSACHUSETTS AND COCHAIRMAN OF THE TOM LANTOS HUMAN RIGHTS COMMISSION

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Good Morning, and thank you all for attending today's hearing to commemorate this landmark year for the protection of Refugees, Internally Displaced Persons, and Stateless Persons. [I want to welcome my fellow members of the Tom Lantos Human Rights Commission.] I would like to thank our witnesses for testifying today, and I would also like to thank Molly Hofsommer and the staff of the Tom Lantos Human Rights Commission for organizing this hearing.

This year marks the 60<sup>th</sup> anniversary of the UN Convention on the Status of Refugees, and the 50<sup>th</sup> anniversary of the UN Convention on the Reduction of Statelessness. These two conventions have been fundamental in establishing international protections for these vulnerable populations by enumerating their rights as well as codifying the legal obligations of states.

Since the enactment of the Convention on the Status of Refugees 60 years ago and a legal definition was established for the term "refugee," an estimated 50 million people have received legal protections, and the principle of non-forcible return has become a fundamental principle of international law.

Likewise, since the enactment of the Convention on the Reduction of Statelessness 50 years ago, we have seen the creation of an international dialogue regarding the rights of stateless persons. The Convention on Statelessness has protected millions of people around the world who have no legal bond of nationality, and often do not receive protection or government assistance from any state.

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Responses and solutions to displacement are complicated by many factors. Weak states, insecurity, unstable social conditions, and economic crises are only a few examples of the many challenges facing governments, NGOs, and multilateral institutions whose function is to assist refugees, IDPs, and stateless persons. Protection efforts must be intensified, stronger partnerships established, and states encouraged to take concrete actions on behalf of these populations of concern.

I have had the opportunity, both when I worked as a congressional aide to Congressman Joe Moakley and now as a Congressman, to meet with many refugees and internally displaced people. Beginning in El Salvador in the 1980s, during that terrible civil war, I became very familiar with IDPs and refugees, mainly women and children, ripped from their homes by conflict and violence, and often just as vulnerable in camps, with their only protection the religious and humanitarian workers who provided them with shelter and aid.

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In my many travels to Colombia, I have made it a point to meet regularly with IDP leaders and their communities. Second only to Sudan, Colombia has nearly 4 million internally displaced people, presenting significant challenges to the Government and the international community. The overwhelming majority of IDPs have been forced by violence to abandon their homes, moving primarily from rural areas to slums in nearby towns or major cities. I was in Medellín at the end of August, where entire districts, known as *comunas*, were created by displaced rural communities. Today, these neighborhoods are overwhelmed by criminal and gang violence and urban displacement is growing exponentially. In 2010, according to official figures, over 5900 people in Medellín were displaced by urban violence. In June, the Ombudsman for Medellín predicted that figure will likely double in 2011. Throughout Colombia, and indeed the world, urban displacement is a matter of increasing concern.

I am also the only Member of Congress to travel to the northern border region of Ecuador to review the situation of Colombian refugees there. Over one million Colombians have fled the violence in their country and sought refuge in all of Colombia's neighbors. This is a major humanitarian crisis, right here in our own hemisphere, yet it receives little attention and not enough resources.

Today, we will hear from representatives of the U.S. government, the UN Office of the High Commissioner for Refugees (UNCHR), and the NGO community. Today's witnesses will note the accomplishments of the UN Conventions, and make recommendations as to what more can and must be done to address the needs of the millions of people affected by displacement and statelessness.

It is my hope that this hearing will reinforce the critical need to advocate for the rights of refugees, IDPs, and stateless individuals, and strengthen global protections for them. The international community, and the United States, in particular cannot turn their back on these populations—for as the UNHCR states, one displaced person is one too many.

Again, I thank our witnesses for being here today. And I look forward to receiving your testimony.

Cochairman McGOVERN. And our first witness is the Honorable David Robinson, Acting Assistant Secretary of the Bureau of Population, Refugees, and Migration at the U.S. Department of State. We welcome you and look forward to your testimony.

**STATEMENT OF DAVID ROBINSON, ACTING ASSISTANT SECRETARY,  
BUREAU OF POPULATION, REFUGEES, AND MIGRATION, U.S.  
DEPARTMENT OF STATE**

Mr. ROBINSON. Thank you, Chairman McGovern.

Cochairman McGOVERN. You have to press the little button there.

Mr. ROBINSON. Got it.

Thank you, and good morning, Mr. Chairman. It is a real privilege to be included in this event today. And I want to thank you for holding this hearing as you mark the 60th anniversary of the 1951 Refugee Convention and the 50th anniversary of the Convention on Statelessness. As you mentioned, these are two landmark documents, and as Acting Assistant Secretary of State for the Bureau of Population, Refugees, and Migration, I welcome the opportunity to discuss accomplishments made possible by the international accords and to discuss the challenges we face moving forward. My entire written testimony has been submitted for the record, so I will just summarize a few points here this morning.

On a personal note I would like to mention that my work with the State Department has taken me to some of the largest and most protracted refugee situations on the Earth, from Afghans in Pakistan, to Burmese refugees in Thailand and Malaysia, and to the Dadaab refugee complex in Kenya where hundreds of thousands of Somalis newly arrived are joining hundreds of thousands of Somalis who have languished in that complex for years and sometimes for decades. And it has taken me to countries that produce enormous numbers of refugees, including Iraq and Afghanistan.

The human suffering that I have witnessed in these places can be absolutely heartbreaking, but there are also bright spots. At the beginning of next month, I will head to the Balkans where I will participate in discussions aimed at resolving the remaining refugee issues in those conflicts in the early 1990s. And between these heartbreaking downs and these optimistic ups, I have noticed one constant: It is clear to me that in all my travels, that U.S. diplomatic engagements, our humanitarian assistance programs, and our support for international refugee law accurately reflect who we are as a people, embody our values as a Nation, and communicate that across international and cultural boundaries.

As you mentioned, during the past last six decades, tens of millions of people throughout the world have been forced to flee their countries because of persecution and conflict. The 1951 convention and the 1967 Protocol are the cornerstone for international refugee protection. The Refugee Convention and Protocol created international agreement about the definition of the term "refugee" and made clear the rights of refugees and the responsibilities of states to protect them. Some 147 states are signatories to the convention or the Protocol, including the United States.

Last year the United States celebrated the 30th anniversary of our country's

groundbreaking 1980 Refugee Act based on international refugee law. During the three decades since then, the United States has formally granted asylum to about a half million persons and resettled more than 2-1/2 million refugees in our country.

During the past 5 years alone, we have provided nearly \$8 billion of support for protection and assistance efforts worldwide. This represents thousands of lives saved and demonstrates the generosity of the American people and our commitment to the principles enshrined in the Refugee Convention and its Protocol.

But we face significant challenges going forward. We need to continue working hard to maintain and strengthen the international system of shared responsibility for the well-being of refugees. A driving force behind the 1951 Refugee Convention was the realization that a single nation cannot shoulder the needs of the world's refugees alone; it must be a collective responsibility shared by all nations of the world.

Countries hosting large refugee populations, such as Pakistan and Chad, need to be confident that if they keep their borders open, the international community will step forward to support humanitarian assistance efforts and will help seek durable solutions for refugee populations.

The State Department is aggressively encouraging more nations to contribute financial support to refugee assistance, even if they have not made such contributions in the past. And we are now working more closely with nontraditional donor nations and encouraging them to take on greater responsibilities for refugee protection and assistance worldwide.

Among our greatest challenges is finding long-term solutions for the estimated 8 million refugees and others who have been in limbo for a decade or more, including, as you mentioned, internally displaced populations who do not fit neatly into the traditional definition of a refugee. Again, my trip to the Balkans next month is part of our focused effort on this issue. I will be meeting with the Foreign Ministers of Serbia, Croatia, Bosnia, Montenegro, and with the U.N. High Commissioner for Refugees, and representatives of the European Commission to finalize the strategy for ending this refugee chapter in the Balkans.

But just as important as those efforts overseas is what is happening here at home. One of the most visible and effective tools to provide a durable solution for refugees is the United States Refugee Admissions Program. We welcomed over 56,000 refugees for resettlement in local communities around the country last fiscal year, and I recently had the opportunity to meet with newly settled refugees in Des Moines, Iowa, and Columbus, Ohio, and, frankly, it was inspiring, if not a little nerve-wracking, to see these new arrivals reestablishing their lives in freedom and safety, and witnessing the generosity of the communities they enter. But it is also humbling to recognize the challenges they and their host communities face, particularly the financial challenges they face.

Mr. Chairman, my written testimony contains a more complete discussion of these and other challenges, but I would like to turn before my time expires to say a few words about statelessness.

Statelessness has not received the international attention we believe that it

deserves. The United Nations estimates that as many as 12 million persons worldwide may be stateless. Without any access to citizenship, stateless individuals typically are unable to register births and deaths or register their marriages. They lack basic identity documents and therefore often cannot work legally or travel freely. They cannot vote, cannot open a bank account or own property. In many locations stateless persons lack access to health care, and their children cannot attend school. They are marginalized and neglected. Stateless populations include the Roma in Europe, persons of Haitian descent in the Dominican Republic, and denationalized Kurds in Syria, to name just three.

U.S. diplomats are working around the globe to persuade governments to amend discriminatory nationality laws that create statelessness, and we urge governments around the world to provide legal documentation to stateless persons, to protect stateless persons from abuse, and to ensure they have access to basic services.

The United States has not ratified the 1961 Convention on Statelessness because several of its provisions conflict with U.S. law, but we strongly support the objectives of the Statelessness Conventions of 1961 and 1954.

Furthermore, we are not part of the problem of statelessness. The domestic laws of the United States do not contribute to statelessness. In addition, the administration has expressed its support for the general direction of the statelessness provisions contained in the Refugee Protection Act of 2010 introduced by Senator Leahy.

So in conclusion, Mr. Chairman, the United States remains an international leader on the issues of refugees, statelessness, and other populations in need of an international humanitarian assistance and protection. We do it because we have legal responsibilities under international and domestic law. We do it because it is the right and humane thing to do and reflects our Nation's core values. And we do it because it advances our own national interests. It is striking that some of the largest refugee and displaced populations in the world are in places such as Iraq, Afghanistan, Pakistan, Somalia and Colombia, countries in regions of strategic importance to the United States.

Humanitarian assistance represents only a tiny fraction of the Federal budget, but for this small investment the United States helps protect and keep alive millions of people, and helps to set the stage for reconciliation and stability that is in everyone's interest, especially our own.

Mr. Chairman, thank you again for your leadership of this human rights commission and for holding this hearing.

[The statement of Mr. ROBINSON follows:]

PREPARED STATEMENT OF DAVID ROBINSON, ACTING ASSISTANT SECRETARY,  
DEPARTMENT OF STATE, BUREAU OF POPULATION, REFUGEES, AND MIGRATION

“PROTECTING THE PERSECUTED:  
THE SUCCESSES AND CHALLENGES OF SAFEGUARDING REFUGEES,  
INTERNALLY DISPLACED PERSONS, AND STATELESS PERSONS”

TESTIMONY OF DAVID M. ROBINSON  
ACTING ASSISTANT SECRETARY OF STATE  
DEPARTMENT OF STATE  
BUREAU OF POPULATION, REFUGEES, AND MIGRATION

TO  
TOM LANTOS HUMAN RIGHTS COMMISSION  
U.S. HOUSE OF REPRESENTATIVES

OCTOBER 26, 2011

Mr. Chairmen, and distinguished members of the Tom Lantos Human Rights Commission, thank you for scheduling this hearing to commemorate the 60<sup>th</sup> anniversary of the United Nations Convention Relating to the Status of Refugees and the 50<sup>th</sup> anniversary of the Convention on the Reduction of Statelessness. These two landmark documents give expression to some of the highest ideals of the human race – to help and protect others in their time of need. It is an honor to be with you today to discuss these two Conventions and the challenges that continue to confront us as we work to protect, assist, and find solutions for some of the world’s most disenfranchised people.

This Human Rights Commission is named in honor of Congressman Tom Lantos, who himself sought and received refuge from Nazi brutalities during World War II. I believe that Congressman Lantos would have been proud that this Commission is holding this hearing today to salute the ongoing international commitments contained in the Convention on Refugees and the Conventions on Statelessness, and the role of the U.S. Government in those important efforts.

### **1951 Refugee Convention**

The practice of granting asylum to people fleeing persecution is one of the earliest hallmarks of civilization. The granting of refuge to persons in danger is not merely a modern concept. It is not strictly a Western notion. It is not a responsibility limited only to wealthy States, nor is it an act we undertake only when convenient to us. The 1951 Refugee Convention and the 1967 Protocol Relating to the Status of Refugees are affirmations of the highest values and deepest instincts of human societies. Granting asylum to persons fleeing persecution is an act of conscience that reflects well on us all.

During the past six decades, tens of millions of individuals throughout the world have been forced to flee their countries in an often desperate search for protection from persecution and conflict. The 1951 Refugee Convention and the 1967 Protocol are the cornerstone for international protection by defining the term “refugee,” listing the rights of refugees, and making clear that States have responsibilities toward refugees, most notably an obligation not to forcibly return refugees to their home countries where they have reason to fear persecution. Some 147 countries have ratified the 1951 Convention or the 1967 Protocol. The United Nations High Commissioner for Refugees (UNHCR) has aptly described itself as the “guardian” of international refugee protection fostered by these historic agreements.

Mr. Chairmen, I cannot overstate how influential the international Refugee Convention and the Protocol have been in our own country. On November, 1, 1968, the United States formally acceded to the 1967 Protocol, which updated the 1951 Convention while preserving the refugee rights contained in the Convention’s main provisions. Last year we celebrated the 30<sup>th</sup> anniversary of our country’s seminal 1980 Refugee Act, which codified into U.S. domestic law important components of the Convention and the Protocol. The 1980 Refugee Act established an effective system of implementing our obligations under the Protocol through a statutory framework, including a definition of “refugee” and an impartial and standardized system of asylum to ensure compliance with our *non-refoulement* obligation. The Refugee Act also established a fair and generous system for refugee admissions to the United States for purposes of permanent resettlement.

The practical impact is enormous. The United States has formally granted asylum to about a half-million people since enactment of the Refugee Act, and nearly 3 million refugees have been resettled in the United States since 1975. Our country welcomes more refugees for resettlement than all other resettlement countries combined, including resettling 56,424 refugees in FY 2011. Thousands of local communities and individuals around the nation have opened their homes and their hearts to these new refugee arrivals, enabling them to establish new lives in freedom and relative safety. These achievements are a testament to the generosity of the American people and are a tangible example that the idealistic aspirations that infused the Convention and the Protocol are implemented in good faith by our nation. Thanks to consistent and bipartisan support from Congress, including from Members of this Human Rights Commission, the State Department’s Bureau of Population, Refugees, and Migration (PRM) has provided nearly \$8 billion to support protection and assistance programs for refugees and other populations of concern over the past five years. Our country consistently has ranked as the largest financial contributor to UNHCR.

Perhaps less visibly but no less importantly, the State Department aggressively engages in humanitarian diplomacy to encourage other governments to fulfill their obligations under international refugee law. The United States has been a strong leader in working to strengthen the international refugee system in a manner that promotes security, reconciliation, and durable solutions for affected populations. While it is true that our collective efforts are not always as successful as we would

like – adequate protection and assistance for refugees is an ongoing challenge – there can be no doubt that countless numbers of people throughout the world owe their survival to the refugee rights and State obligations articulated in the Convention and the Protocol.

As we commemorate the impressive humanitarian achievements under the Refugee Convention during the past six decades, this is also an appropriate moment to discuss the protection challenges and gaps that we confront moving forward. I would like to briefly mention a number of these issues and to point out how they relate to the Convention and the Protocol.

One enormous challenge in today's world is that not only refugees but tens of millions of non-refugees need international protection and assistance, thereby highlighting the limitations of the Refugee Convention and the Protocol. Conflict, persecution, and crises have continued around the world and taken new forms. Fewer than a million refugees existed when the 1951 Refugee Convention was drafted. Currently some 15 million persons are refugees. An additional 27 million persons worldwide are internally displaced by conflict or oppression, but do not fall under the mandate of the Convention and the Protocol. International migration has increased dramatically in recent decades, leading to serious concerns about human trafficking, humane and orderly migration management, and adequate protection for vulnerable migrants far beyond the concerns that existed 60 years ago. We will continue to work hard to improve international protection for the world's non-refugees, including internally displaced persons (IDPs) and other victims of conflict, as well as international migrants who are vulnerable to trafficking and abuse.

A second challenge is the ongoing need to ensure adherence to the 1951 Refugee Convention and the 1967 Protocol by States Parties, and to encourage greater accession. Some 147 nations are parties to one or both documents. Non-States Parties include India, Pakistan, Iraq, Libya, Saudi Arabia, Kuwait, Burma, Thailand, Vietnam, Laos, Indonesia, Bangladesh, and Uzbekistan, among others. Several non-States Parties historically have produced or hosted significant refugee flows, making recognition and adherence to principles of international protection crucial in these cases. The United States will continue to support efforts to encourage additional accessions.

In some cases States Parties to the Refugee Convention and Protocol do not always fulfill their legal obligations. For example, Cambodian authorities two years ago forcibly returned ethnic Uighur asylum seekers to China despite strong protestations by the U.S. Government that they accord them the benefit of a credible process for determining refugee status and the risk of torture. Last week the government of Sudan in Khartoum deported some 300 Eritrean asylum seekers without giving them the benefit of a process for seeking protection from forced return or *refoulement*. Similarly, numerous States Parties have failed to develop fair and systematic refugee status determination procedures and do not grant refugees the full rights to which they are entitled under the Convention and the Protocol, including freedom of movement,

right of association, and the right to work. Vigilance is necessary to identify undue restrictions on refugee rights. The State Department will continue to engage in the sustained humanitarian diplomacy needed to improve respect for principles of refugee protection.

A third challenge is the need to maintain a strong international system of shared responsibility. The preamble of the 1951 Convention explicitly acknowledges that a single nation cannot shoulder the needs of the world's refugees alone. Asylum countries providing refuge to huge refugee populations, such as Pakistan, Iran, Syria, Kenya and Chad, need to be confident that if they keep their borders open, the international community will step forward to share responsibility by contributing to assistance efforts and seeking durable solutions for the refugee population. Despite budget constraints, the United States and other wealthy nations must sustain efforts to adequately fund international humanitarian protection and assistance programs, knowing that such sharing of responsibilities is the linchpin of the international system of refugee protection. At the same time, we are reaching out to governments that have financial resources to contribute to refugee assistance and protection efforts but historically have not done so. Some of these non-traditional donor countries stepped forward with helpful contributions to support international humanitarian efforts in the recent Libya crisis. We will continue to encourage their participation in other emergencies to strengthen the international system of humanitarian response.

A fourth challenge relates to the need to find durable solutions for refugees and displaced populations. Although the Refugee Convention and the Protocol do not explicitly use the term "durable solutions," the historical record makes clear that a fundamental assumption underpinning the Refugee Convention is that refugee status should be temporary until individuals are able to settle safely and return to normal lives. In today's world, however, some eight million refugees have languished in protracted refugee situations for a decade or more. The Department of State recently formulated a strategy to strengthen the U.S. Government's efforts to resolve selected protracted refugee situations. It is focused on a few key situations where enhanced engagement could increase political will and help create movement toward durable solutions. While pursuing these efforts abroad, we will continue our own country's refugee admissions program, which remains one of our most visible and effective tools to enhance refugee protection and provide a durable solution of permanent resettlement in the United States for carefully screened refugee applicants unable to return home safely or resettle in their own regions.

A fifth challenge is the realization that some segments within any refugee population are particularly vulnerable and special attention is needed to ensure that they enjoy the rights and protection envisaged in the Refugee Convention and the Protocol. Repeated experience during the past 60 years has made painfully clear that women and girls remain vulnerable to gender-based violence, sexual exploitation and abuse, and discrimination even after reaching a country of asylum. Elderly and disabled persons often struggle to receive or retain possession of the material emergency assistance to which they are entitled. Lesbian, gay, bisexual, and transgender

individuals often face abuse or persecution even after fleeing their countries. Migrants who may begin their journeys as economic migrants often fall prey to vicious smugglers, traffickers, and criminal groups while in transit due to their lack of legal immigration status, but this status should not render them any less deserving of protection from human rights violations. The realization that particular segments of the refugee population encounter special protection needs is one of the greatest advances made by the international humanitarian community in the six decades since the adoption of the 1951 Convention. Yet providing the necessary protection in an effective manner is one of the most difficult challenges. The Department of State is a strong proponent of UNHCR's efforts to make humanitarian staff aware of particularly vulnerable sub-groups and to develop protection practices tailored to their needs. In addition, we are giving prominent attention to modern dynamics such as urbanization, climate change, and mixed migration flows that make protection efforts more complex.

As a world leader on these issues, we should acknowledge a sixth challenge: We should strive to practice at home what we preach abroad. So, for example, we have sought to ease the burdens faced by newly arriving refugees in the United States by expanding our assistance to them in their first weeks after arrival. We are engaged with the Department of Homeland Security (DHS) regarding the foreign policy implications of migration-related issues such as domestic detention practices. Some of these issues go beyond the scope of the Convention, but they all are matters that PRM works on assiduously with other U.S. Government agencies, and we remain open to constructive recommendations for improvements.

These six challenges are by no means the only ones we face. They are, however, challenges that we are particularly seized with – and that present us with many opportunities – as we strive to implement the letter and spirit of the 1951 Refugee Convention and the 1967 Protocol in our complicated modern world.

### **1961 Statelessness Convention**

In addition to the Refugee Convention, I would also like to make a few points on the Statelessness Convention. This year's 50<sup>th</sup> anniversary of the UN Convention on the Reduction of Statelessness is an important opportunity to raise awareness about a human rights and humanitarian issue that for too long has not received the international attention it requires. Thank you for including this issue in today's hearing.

Although the Universal Declaration of Human Rights states that all people have the right to a nationality, as many as 12 million persons worldwide are stateless, according to UNHCR estimates. Stateless people live in every region of the world but, deprived of citizenship, they remain largely in the shadows suffering marginalization and neglect. The problem gained international notoriety when the Nazis systematically denationalized German Jews. Examples of stateless populations today include the Roma in Europe, persons of Haitian descent in the Dominican

Republic, the Bidoon in Kuwait, Rohingya in Burma, denationalized Kurds in Syria, and many Palestinians.

Deprived of recognition by any State, stateless persons typically lack identity documentation and are unable to officially register births, marriages, or deaths. Without such documentation, they often cannot work legally or travel freely. They cannot vote, open a bank account, or own property. They often lack access to health care and other public services. Their children often are barred from attending school. Statelessness typically deprives people of basic legal protections, often for generations. Trapped in a marginal status on society's edge, stateless persons are particularly vulnerable to abuse and exploitation, gender-based violence, trafficking in persons, and arbitrary arrest and detention.

The United States encourages the international community to prevent and reduce statelessness and to protect stateless persons. The first requirement is that governments, civil society organizations, international organizations, and regional bodies must recognize the problem and its causes. Governments around the world must decide to take meaningful action to address the very solvable problem of statelessness in order to ensure a brighter future for millions of disenfranchised and extremely vulnerable people.

The U.S. Government regards statelessness as a human rights and humanitarian issue that impacts prospects for democratization, economic development, and regional stability. The Department of State engages in diplomacy with foreign governments and civil society organizations in an effort to prevent and resolve statelessness. We go into the field to monitor the difficult conditions and challenges endured by stateless persons. U.S. diplomats around the world are working to persuade governments to amend discriminatory nationality laws that cause statelessness. We urge governments to identify and provide documentation to stateless persons, protect them from abuse, and ensure they have access to basic services.

Mr. Chairmen, the United States is particularly concerned about the impact of statelessness on women and children. In approximately 30 countries, many women and children are rendered stateless because nationality laws discriminate against females and severely limit their ability to acquire, retain, and transmit citizenship. In many cases, nationality laws permit only a child's father to transmit his citizenship or limit the ability of the mother to do so. In some cases, nationality laws strip women of their citizenship upon marriage to a foreign spouse, or prohibit a woman's foreign spouse from naturalization. Secretary Clinton is leading our efforts to combat discrimination against women in nationality laws and has launched a broad diplomatic initiative to mobilize other governments to repeal these discriminatory laws.

In addition to these diplomatic efforts, the United States provides humanitarian assistance to alleviate the problem of statelessness through our support to key partners, particularly UNHCR. We applaud UNHCR's campaign to promote

accession to the 1961 Reduction of Statelessness Convention and the 1954 Convention related to the Status of Stateless Persons. We note the progress made during this year of anniversary commemorations: to date in 2011, Croatia, Nigeria, Panama, and the Philippines have acceded to one or both of the Statelessness Conventions. In August, the parliament of Turkmenistan incorporated the 1954 Convention into domestic law. We will continue to work with UNHCR to ensure these countries and other parties to the Conventions fulfill their obligations.

I am pleased to report that the domestic laws of the United States do not contribute to the problem of statelessness. Our nation grants citizenship through three avenues: birth in the United States; birth abroad to a U.S. parent if statutory requirements are met; and through naturalization. Although the United States has not ratified the 1961 Convention because several provisions conflict with U.S. law, there is absolutely no doubt that we support the objectives and principles of the two Statelessness Conventions and that U.S. law is generally consistent with the objectives of the two Conventions. We believe that other governments should consider accession and implementation as a means to minimize statelessness. Moreover, the Administration has expressed its support for the general direction of the statelessness provisions contained in the Refugee Protection Act of 2011 (S.1202, Sec. 17) introduced by Senator Leahy.

Chairman McGovern and Chairman Wolf, thank you once again for holding this hearing. Thank you to all Members of the Tom Lantos Human Rights Commission for your strong commitment to universal human rights. I want to assure you that the Administration shares your commitment. The State Department feels privileged to play a lead role in our nation's adherence to the objectives of the 1951 Refugee Convention and the 1961 Convention on the Reduction of Statelessness, and to guide the efforts of the United States to promote international adherence to these two landmark achievements of international law.

Cochairman McGOVERN. Thank you, Mr. Ambassador, and thank you for your testimony, and thank you for all the work that you and the administration do on behalf of a very vulnerable population.

And as I said, I have traveled to many places around the world, been to many refugee camps, visited many internally displaced persons communities, and it really is heartbreaking that people are being forced to live in such conditions. And I think it is an international concern, and we need to -- I think -- and I appreciate that we are taking some leadership. I just have a few questions.

You discussed in your testimony how successful the U.S. has been in protecting refugees in accordance with the Refugee Convention and the additional Protocol. You also discussed the importance of protecting the rights of stateless persons. And despite the accomplishments that we have made in protecting stateless persons, as you mentioned, the United States has not ratified the Statelessness Convention. Would our current efforts to protect stateless persons be strengthened by the ratification of the Stateless Convention?

Mr. ROBINSON. Congressman, Mr. Chairman, the United States, I think, fully complies with the spirit and the actual provisions of the protection elements of the Statelessness Convention. The reason we haven't ratified it is because certain elements of the convention conflict with U.S. law, particularly Title VII of the convention.

Cochairman McGOVERN. What laws would they conflict with?

Mr. ROBINSON. Well, the Statelessness Convention permits -- does not, rather, permit a person to freely renounce citizenship or nationality if that renunciation would result in statelessness. United States law, of course, does allow a person to do such a thing. So to sign the treaty would, of course, put us in conflict with our own law. However, I don't think there is any conflict in the way we approach the protection of stateless people that accession to the treaty would necessarily strengthen.

Cochairman McGOVERN. One of the ongoing challenges that you mention is that in some cases the states' priorities to the Refugee Convention and Protocol, and I am assuming states' priorities to the Statelessness Convention as well, don't always fulfill their legal obligations. Could you expand upon what is being done to encourage global respect for refugee protection?

Mr. ROBINSON. I think the most important thing that we do -- there are several things, but I think the really aggressive or at least assertive U.S. humanitarian diplomacy around the globe, I think, is the best protection vehicle or tool that we have for the moment. We have seen examples where countries that have acceded to the convention have, in fact, violated its own terms. The refoulement of Uyghurs to China, for example, is an example of several countries that have signed a convention and then, without proper protection considerations, have returned people there.

So in our travels, in my own travels to Thailand and other countries, the issue of providing for the protection of refugees and, as you mentioned at the outset, of IDPs not contemplated under the convention, but the trend of the future that we push very hard against and try to work with other governments to make sure that they not only recognize their responsibilities under international obligations, but that that they have the capacity to provide those services. We work closely, as you know, with civil society groups, with NGOs of international organizations so that when we recommend

or when we pursue avenues of protection, we don't come in with a wagging finger, we come in with a program and a plan and the resources to help them to meet their obligations.

Cochairman McGOVERN. Where can we do better? I mean, I guess I am trying to think of ways that we can better ensure our protection in some of the areas that I think are not getting enough attention. And again, I mentioned in my opening statement the IDPs in Colombia.

Mr. ROBINSON. Right.

Cochairman McGOVERN. It is a gigantic challenge, and, you know -- and I don't get the sense that the international community is all -- is focused on that as much as they should be. In fact, we had this debate on the Colombia Free Trade Agreement, and it didn't matter what position you took, I think a lot of people were surprised to learn that the number of internally displaced in Colombia was as high as it is. And I am just trying to figure out what areas do you think we can -- where we can do better.

Mr. ROBINSON. I think one of the lessons I learned in this position, in addition to 26 years in the Foreign Service, is that humanitarian assistance, humanitarian protection and the activities that are engaged in that is more like baseball than it is like football. If we are batting .360, we are doing pretty well, but that means that we are not doing well in terms of reaching out and protecting all the people that need protecting.

I think where we need to improve our performance, frankly, as an international community that's working together, and I trust some other members of the subsequent panels may address this, is in the need to coordinate better among the various agencies that are in the field, including U.S. Government agencies. Too often our efforts wind up being stovepiped, where humanitarian efforts are divorced from longer-term development efforts. And many of the situations you pointed out -- Colombia is a perfect example. I think the situation in Dadaab, Kenya, also calls out for a more robust response that really goes beyond what humanitarian agencies are capable of doing and begins to bleed into what traditionally development agencies should do.

I think we have unfortunately too often put into a little container the term "humanitarian problem." And so we have put it to one side and said, okay, the humanitarians will deal with this. Most, as you know, humanitarian crises and catastrophes, particularly those that are driven by conflict, don't have humanitarian solutions. They have political solutions, they have development solutions, they have economic solutions. Too often the humanitarians are left trying to grapple with these problems, not necessarily on their own, but certainly it is an uphill battle, to make the humanitarian issues seen as a greater part of the mainstream development economic recovery of any particular place. I think Colombia stands out as an example of precisely that.

Cochairman McGOVERN. I think that's a good point. I visited, I mentioned in my opening statement, refugee camps in Chad where a lot of the refugees are fleeing the violence of Darfur have relocated. But they have become -- when I think of refugee camps, I am always thinking of something temporary, but in some parts of the world, it looks like it is becoming very permanent, which is also very tragic.

And so the response has to be more than just we provide them a place to locate. There needs to be some sort of component working with other agencies and

other countries to help people transition back into a seminormal life, because living in a refugee camp for years and years and years is not a pleasant thing.

Again, the camps that we visited in Chad, while they offered some protection, still a pretty violent place where there were incidences of violence within the camp, where Janjaweed militia came in and launched attacks, and where women routinely who went out to try to gather twigs for fires would be raped and brutalized.

So I think you are right. There needs to be kind of a more holistic response so that it is not just for providing a -- we are not substituting a short-term solution for what really needs to be a long-term solution.

Mr. ROBINSON. I think your point is extremely well taken. I think there are two things I would point to. First, the Dadaab complex in Kenya now ranks as the third largest city in the country. The problems in Dadaab are humanitarian, but they are also urban development problems, and I think we have to begin to understand it in that context.

To that end the Bureau of PRM has launched a series of colloquia in the Horn of Africa bringing together the three major refugee resettlement countries, or refugee-hosting countries there, Djibouti, Ethiopia and Kenya, along with other donor countries, other organizations including the private sector to try to begin to think out of the box a bit, to try to begin to understand how refugees can actually become part of their own solution by enabling them to work, and to make money, and to contribute to the tax base of the country there, as well as receiving the life-sustaining support that they need.

The other element that we are looking at, of course, is how to better understand the advantages, frankly, as well as the challenges of urban refugees. More refugees are moving into urban areas today than ever before. Unfortunately, I think that the wave of crises we have had over this past several months from Liberia to Libya, to the Horn of Africa has pushed some of that developmental thinking out of the way as we respond to the crisis of the moment.

But urban environments often offer refugees opportunities that aren't available in camps to begin to better their own lives, and we need to learn to how to work better in those untraditional contexts.

Cochairman McGOVERN. I was meeting with somebody a couple months ago who was expressing concern over the fact that there are a number of refugees who kind of move into urban areas without a support structure in place, you know, tend to -- there are issues in terms of people with illnesses or diseases spreading those diseases because there is nobody there to provide a health care check, and it is sometimes becoming part of the homeless population within some of these urban areas; that there needs to be a stronger network within some of these urban areas to make sure that the needs that a lot of these refugees are taken care of.

Mr. ROBINSON. That is right. And Eastleigh in Nairobi is a major area of Somali refugees, and we have encouraged the Government of Kenya to begin registering those refugees and allow them access to the services that are available to other citizens.

We have had some success in other areas of that, too; for instance, in Malaysia with a number of Rohingya refugees that are living in urban areas, and many of them are allowed, in fact, to have access to some of the services available to local citizens.

In Ethiopia, Somalis are permitted now to leave the camps, to move into the cities, and to begin taking advantage of the normal services provided any other resident. But it is an uphill battle. Still it is something that we haven't really got the theoretical intellectual framework built around.

Cochairman McGOVERN. Well, I appreciate again your being here today, and I appreciate the work that the State Department is doing to try to deal with some of these challenges. I make this offer on behalf of everybody who is part of this Commission. If there are things that we need to be doing in Congress that we are not, I hope that you will feel free to give us a call and let us know. Thank you very much for being here.

Mr. ROBINSON. Thank you very much, Mr. Chairman. I appreciate it.

Cochairman McGOVERN. We are now going to call Vincent Cochetel, the regional representative for the United Nations High Commissioner for Refugees, Washington office. We are grateful that you are here and look forward to your testimony.

**STATEMENT OF VINCENT COCHETEL REGIONAL REPRESENTATIVE,  
UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR),  
WASHINGTON OFFICE**

Mr. COCHETEL. Thank you very much, Mr. Chairman and members of the Commission for inviting me today and for also taking the time to reflect on 60 years of working to protect and assist refugees and other victims of conflict and persecution.

I think it is important where we are now. Since 1951 we have seen crisis taking place on [inaudible] there with partners to help find durable solutions for tens of millions of refugees. The vast numbers of uprooted individuals and the growing complexity of the causes of displacement make our work and that of our partner, NGO partners, both more challenging and more needed than ever before. We recognize and greatly appreciate your ongoing support and your concern for vulnerable people worldwide.

I won't go over detailed statement on statistics or repeat some of the figures that Ambassador Robinson provided your Commission for testimony available to your Commission. I would like just to focus on a couple of recent trends. I think it is important to remind ourselves that while most of the industrialized countries like the United States have been critical in providing funding and resettlement opportunities for the world's refugees, [inaudible] forcible displacement has disproportionately affected developing countries, including among them the 49 least developed countries.

Women and girls represented nearly half of persons of concern to UNHCR. Forty-four percent of the people that we assist are children.

I will not go over all the refugee crises we have faced since 1951. Just looking at 2011, it has been a very challenging year. It started with the crisis in Ivory Coast. We see today -- yesterday was the first large-scale repatriation movement from Libya to Ivory Coast. Solutions impact [inaudible] of our activities and impact of your support to our activities.

We have seen other crises throughout the year that we take more time to solve. Libya. Not many Libyan persons seeking asylum in neighboring Egypt, Tunisia, back and forth, but we saw large number of national exploited migrant workers leaving out of Libya. We saw also people who had been refugee in Libya fleeing Libya. We have seen Syrians going to Turkey, some also to northern Iraq; new countries like South Sudan now sheltering refugees from Congo; the new Blue Mountain area in Syria, the people from the Blue Nile state of Sudan going into [inaudible]. We see complex movement without forgetting the tragedy. I think it would be simplistic, the crisis issue about famine. Yes, there is famine in Somalia. The drought is affecting several countries in Africa.

Cochairman McGOVERN. I think you need to turn your microphone on.

Mr. COCHETEL. My apologies.

While we see that the drought in the Horn of Africa, I think it is important to

note that famine is only actually affecting Somalia. People are leaving Somalia for a variety of reasons, not just drought. When people have to walk 7 to 9 days to reach Kenya or to reach Ethiopia, it is also because they cannot find protection elsewhere in their country.

I am glad, Congressman, that you have noted also some of the new trend in displacement, like this gang-related violence in some part of the world. This is affecting three, four countries in Central America where we see entire villages being depopulated, where population is leaving because of the fear of those criminal gangs and the lack of effective protection by the local authorities.

I think we have to be sensitive to those new form of displacement which are not generating external displacement. People are not necessarily leaving their country at this stage, but some may leave their country and come into the U.S.; others are trying to find alternative forms of protection within their country. They deserve our attention.

In the area of internal displacement, I don't have, let us say, recent trends to report. I would like to focus here a little bit on the positive that in 2010, with our partners, we were able to assist about 3 million internally displaced people to return to their place of origin, which has been a much better result when you compare it to refugee return to their country of origin.

Ambassador Robinson was talking about statelessness, and statelessness, I think, is one of the less known human rights violation. It is a complicated phenomenon, and people often live in a precarious situation on the margin of the society, frequently lacking identification, and often subject to discrimination. We have estimated the number of stateless people to be around 12 million people.

It has been very difficult for us to place this on the agenda of states for discussion. U.S. administration under U.S. Congress has been supportive of our efforts to try to engage a dialog with a number of countries, but a tendency for the countries hosting stateless populations is to say, that's not our problem, that's a problem of another country that has created this situation. Very few countries have ratified the 1961 convention relating to the reduction of statelessness, only 37 of those countries. We are hoping to see more countries ratifying this convention because we believe that this convention will encourage states to take proactive legislative or administrative measures to avoid situation of statelessness.

We particularly encourage states to look at their nationality laws to avoid situation where children do not have citizenship. We have to make sure that children get citizenship at birth during the place where they are or even if they are traveling abroad, as legislation of a lot of states that do not foresee that children can get citizenship when the parents are living abroad. We have still a number of countries, about 40 countries, where you have gender discrimination in terms of conferring the nationality from the mother to the child, and we have number of countries where we have deficient birth registration procedure in place.

I would like to say four trends that affecting forced displacement in general, be that internal displacement or external displacement. The first one is the shrinking of humanitarian space. Our High Commissioner Antonio Guterres has been using a lot that expression. That expression covers three types of situation.

First, I think we have been confronted over the last 20 years, I think since the

Balkan wars, to the changing nature of some of the conflict. We see come conflict, you can take Darfur and you can take some others, where displacement is not the consequence of the conflict, but it is the objective of the conflict. You get rid of part of your population. You move population. I think that is one of the trend that is very worrying.

The second trend is hardening of attitude regarding state sovereignty and the restriction put on by states sometime to get access to people in need of protection, in need of assistance, particularly internally displaced persons.

And the third, I think, restriction we are facing is the situation where the safety of humanitarian aid workers is at stake. Last year 73 aid workers have been killed. That is unacceptable. I know for you it may look like a statistic. For me it is more than a statistic. From personal experience, I have suffered from abduction in Chechnya, the previous assignment.

Behind those figures you have people with varied stories that have left their family to try to bring protection or assistance to very vulnerable population. Just yesterday we had again three members of the Danish NGO abducted in northern Somalia, including one U.S. citizen. This is a different signal together to be victim of a collateral damage, a mine or an explosion somewhere, or being targeted like we are in certain situation now because the perception is that we are not neutral, we are with one side. And this sort of demonization of humanitarian assistance in some situation is causing us extra risk, and our NGO partners are paying a high price with our staff for this changing nature of some of the conflict and the risk we are facing.

Second phenomenon is mixed migration. Mixed migration is not a new phenomenon. When you look at the story of the United States, mixed migration has always been there, people leaving their country for economic reasons, being mixed with people fleeing religious persecution or other forms of persecution.

I think it is still a challenge for many states to be able to distinguish who are the people in need of international protection. In 2006, we came up with a comprehensive plan, sort of toolbox, to assist states in trying to distinguish who is in need of international protection, and I can see we still face challenges. It is not just in Africa or in the Middle East. Even the southern border of the United States or the Caribbean Sea, we are confronted to those challenges.

Third phenomenon, protracted situation. We have 7.2 million refugees are stuck across 24 countries for more than 17 years. So the average length of those refugee situations tend to increase, which means second or third generation of people are born in refugee camps. And while the U.S. administration has put a creative plan to try to align foreign aid, development aid, and humanitarian assistance, I think it is important to follow that path.

We tend to be distracted. It is not just U.S. administration. Many government, they are providing support in emergency situation because they attract a lot of media attention. They mobilize solidarities. But while we are paying a lot of attention to emergency, which is needed, we tend to forget that political action is needed to resolve some of those protracted situations. There is no humanitarian solution to many of those situations. We can help, we can facilitate the dialogue, but it is really important that we try to do better in addressing the root causes of some of those situations.

Third phenomenon, urban refugee. We tend to believe that refugees or IDPs are normally in camps. It used to be the case 20 years ago, I think. Today half of the IDP population or the refugee population are living in an urban environment. That poses new challenges in term of partnership, in term of developing community-based assistance, in term of increasing educational program or in terms of increasing opportunities for self-reliance for those people. We cannot distribute assistance the same way in an urban area that you would do in a confined refugee camp area.

One -- you have asked that question to Ambassador Robinson, and if I may take 1 minute.

Cochairman McGOVERN. I was going to ask you, too, but you can answer it in advance.

Mr. COCHETEL. One area where the U.S. can do better, I think the U.S. Government and the U.S. communities, the U.S. people have been very generous in offering resettlement places for many, many years. We hope that these three traditions can be maintained.

We see challenges with the security screenings taking place today in the U.S. We understand the national security concern of the U.S., like other resettlement countries, and we understand that due diligence must be exercised so the right people get access to this precious protection tool that is resettlement. But at the same time we have to make sure that those security checks do not affect people in need of international protection. We see the time it takes for security checks is threatening the program, is threatening the level of arrival in the U.S. And the U.S. is the global leader in terms of resettlement, so whatever procedure you put in place, it is going to be reproduced in other resettlement countries.

So what you do has a global impact on resettlement opportunities elsewhere in the world. So it is important that while maintaining those security checks in place, that we find a way to speed up the process and make sure that the people in need of protection continue to enjoy a safe haven on the generosity of the American people.

At the same time we would like to continue to encourage the U.S. administration to assist emerging resettlement countries, particularly Latin America, to offer places for resettlement. There are a number of countries that want to give back to refugees on this, particular in the case of some of the Latin American countries.

In conclusion, Mr. Chairman and members of the Commission, I would like to thank you again for this opportunity to speak about the past 60 years of refugee protection and assistance. It is easy to look at many situation of conflicts and human rights violation around the world and become demoralized by the magnitude of the work ahead of us, but I think it is also important to pause and to reflect on what has been done, some of the success stories; to take inspiration from those that we serve; and to renew our collective dedication to the humanitarian goals. The Tom Lantos Human Rights Commission is at the forefront of that dedication, and we are honored to join with you in commemorating this year of important anniversaries. Thank you.  
Cochairman McGOVERN. Well, thank you very much.

[The statement of Mr. COCHETEL follows:]

PREPARED STATEMENT OF VINCENT COCHETEL, REGIONAL REPRESENTATIVE, UN HIGH COMMISSIONER FOR REFUGEES (UNHCR)

## **60 YEARS OF REFUGEE PROTECTION AND ASSISTANCE**

PRESENTATION BY:

**VINCENT COCHETEL**

REGIONAL REPRESENTATIVE, UN HIGH COMMISSIONER FOR REFUGEES (UNHCR)

BEFORE THE

TOM LANTOS HUMAN RIGHTS COMMISSION

WEDNESDAY, OCTOBER 26, 2011

10:00 A.M.

WASHINGTON, DC

### **INTRODUCTION**

Chairman Wolf, Chairman McGovern, and members of the Commission, thank you for inviting me to reflect on UNHCR's 60 years of working to protect and assist refugees and other victims of conflict and persecution worldwide. It is an honor to speak on behalf of my colleagues at UNHCR and the millions of uprooted people about the current state of refugee protection and the challenges that remain.

This year marks the 60th anniversary of the 1951 Convention Relating to the Status of Refugees and the 50th anniversary of the 1961 Convention on the Reduction of Statelessness. When UNHCR was created in 1951 we were charged with helping the estimated one million people still uprooted after World War II to return home. Since then, we have helped find durable solutions for tens of millions of refugees. While refugees remain our core constituency, our populations of concern also include internally displaced persons, asylum seekers, and stateless persons. We also have helped provide protection assistance to some victims of natural disasters. The vast numbers of uprooted individuals and growing complexity of the causes of displacement make our work and that of our partners both more challenging and more needed than ever before. We recognize and greatly appreciate your ongoing support of our work and your concern for vulnerable people worldwide.

### **BACKGROUND**

#### **Numerical overview**

As was indicated in our 2010 Global Trends report, UNHCR continues to face complex displacement and humanitarian situations around the globe. At the end of 2010, nearly 44 million people worldwide were forcibly displaced due to conflict and persecution, the highest number in more than 15 years. This included more than 15 million refugees, 27 million IDPs, and 837,000 asylum seekers.

Of these, UNHCR provided protection or assistance to more than 25 million people worldwide, including 10.5 million refugees and almost 15 million internally displaced persons (IDPs). While the most developed countries like the United States have been critical to providing funding and resettlement opportunities for the world's refugees, forcible displacement has disproportionately affected developing countries. Last year, developing countries hosted four-fifths of the world's refugees, and the 49 least developed countries provided asylum to almost 2 million refugees.

Refugee flows are often a regional issue, placing economic and political strain on neighboring countries.

Three-quarters of the world's refugees resided in countries that neighbor their country of origin. Having produced over 3 million refugees, Afghanistan is the largest source country of refugees, followed by Iraq (over 1.6 million) and Somalia (almost 1 million).

In 2010, more than one-third (38%) of all refugees lived in UNHCR's Asia and Pacific region. Sub-Saharan Africa was host to one-fifth of all refugees, while the Middle East and North Africa region hosted 18 per cent of the world's refugees.

Refugees are living in highly unstable countries. In 2010, Pakistan was host to the largest number of refugees worldwide (1.9 million), followed by Iran (1.1 million) and Syria (1 million).

Displaced women and children are particularly vulnerable to abuse, violence, and exploitation. Women and girls represented nearly half of persons of concern to UNHCR. In 2010, 44% of refugees and 31% of asylum-seekers were children below 18 years of age. In addition, the prevalence of unaccompanied children creates added challenges. More than 15,000 asylum applications were lodged by unaccompanied or separated children in 69 countries in 2010. The applications came mostly from Afghan and Somali children.

Statelessness is estimated to have affected up to 12 million people at the end of last year, but the difficulty in quantifying the problem means that data from governments captured just 3.5 million stateless individuals in 65 countries.

### **Major refugee crises since 1951**

UNHCR was faced with its first major emergency in 1956- the outpouring of refugees when Soviet forces crushed the Hungarian Revolution. In the 1960s, the decolonization of Africa produced the first of that continent's numerous refugee crises needing UNHCR intervention. Over the following two decades, UNHCR had to help with displacement crises in Asia and Latin America. By the end of the century there were fresh refugee problems in Africa and, turning full circle, new waves of refugees in Europe fleeing the wars in the Balkans.

The 21st century has thus far seen UNHCR helping with major refugee crises in Africa, such as the Democratic Republic of the Congo and Somalia, and in Asia, especially the 30-year-old Afghan refugee situation. In some parts of the world, such as Africa and Latin America, the original 1951 mandate has been strengthened through regional legal instruments.

Today, UNHCR is a part of efforts to address refugee situations caused by the continued violence in Colombia, the crisis in Somalia, the post-referendum conflict in the Republic of Sudan and South Sudan; the ongoing human rights abuses in Myanmar; the lack of security in Afghanistan, the recent upheaval in Syria, and the continued instability in Iraq. We and our partners provide life-saving assistance and help achieve durable solutions, whether through voluntary repatriation, local integration, or resettlement to a third country.

### **The Growth of Internal Displacement**

People displaced within their own country due to conflict, violence, and human rights violations, as well as by natural disasters, are referred to as internally displaced persons, or IDPs. According to the Internal Displacement Monitoring Center's 2010 global report, about 27.5 million persons are internally displaced in their own countries.

Internally displaced persons face a wide variety of hardships, including discrimination and lack of physical security. They furthermore suffer a continued lack of access to housing, land, and property. In fact, loss of homes and land is often times the root cause of their displacement.

The issue of state sovereignty makes UNHCR's role in monitoring their protection and providing assistance within borders difficult. Nevertheless, our efforts to improving the situation for internally displaced persons have resulted in some success, with protection process becoming progressively more systematic and predictable, particularly in complex emergencies. In fact, in 2010, nearly three million internally displaced persons were able to return to their homes - the highest number in almost 15 years.

The effort must be maintained, however, and internal displacement must remain an important issue for the international community. An effective response to internal displacement is built on the contributions of many partners—governments, national and international NGOs, including many U.S. NGOs, civil society, and UN agencies. Enhancing coordination among all concerned is a priority on which we continue to work.

### **The Challenge of Statelessness**

Measuring the magnitude of statelessness is complicated by the very nature of the phenomenon. Stateless people often live in a precarious situation on the margins of society, frequently lacking identity documentation and often subject to discrimination. UNHCR estimates that the total number of stateless persons in the world has reached 12 million, but this number is far from certain.

UNHCR's overarching statelessness objective for 2011 is to raise awareness of the ongoing plight of the world's stateless persons, while strengthening international commitment to address this phenomenon. This is an especially critical objective considering that this year marks the 50th anniversary of the 1961 Convention on the Reduction of Statelessness. In 2011, UNHCR is spending nearly \$63 million to cover activities aimed at reducing the number of stateless persons in the world, protecting those who remain stateless, and preventing new cases of statelessness from occurring. Fifty-seven UNHCR operations worldwide are undertaking activities under UNHCR statelessness mandate in 2011.

UNHCR is undertaking a major effort to meet reform objectives relating to stateless persons during this commemorations year. These efforts include encouraging more States to accede to the 1961 Convention as well as to the 1954 Convention Relating to the Status of Stateless Persons. To date, only 66 States and 37 States are party to the 1954 and 1961 Conventions, respectively. The statelessness conventions have widespread impact, even in States that are not parties to the conventions. For example, many countries have undertaken law reform to bring nationality legislation into closer compliance with international standards, demonstrating a growing international awareness of statelessness and a commitment to addressing it.

UNHCR is committed to encouraging more States to accede to the Conventions and is, to that end, collaborating with NGOs and standing ready to provide technical assistance to States at every step.

Additionally, during this commemorations period, UNHCR is instituting an expert-meeting series to clarify doctrinal issues relating to the statelessness conventions with the objective of publishing guidelines with practical recommendations for States to prevent statelessness and protect stateless persons. We are also hosting regional meetings and have launched a media campaign to raise awareness of statelessness. Finally, we are undertaken efforts to train protection staff and partners on survey methodologies to improve the identification and data-gathering on stateless populations.

The main event commemorating the 50<sup>th</sup> anniversary of the 1961 Statelessness Convention, alongside the 60<sup>th</sup> anniversary of the Refugee Convention, will be a ministerial-level meeting in Geneva on December 7 and 8 of this year. At this meeting, protection gaps will be reviewed and measures to address them will be undertaken. States will be provided with the opportunity to submit voluntary pledges to undertake concrete reform measures at the national level to uphold international protection standards.

In formulating their commitments, States should consider undertaking revising the processes of identifying stateless persons. To this end, States should incorporate into national law the international legal definition of a “stateless person” from article 1 of the 1954 Convention. States and other stakeholders, such as UN agencies and non-governmental organizations, should, furthermore, commit to compiling data on the number of stateless persons within the country, such as through surveys, population census, or other appropriate means. Finally, States should establish statelessness determination procedures that result in the granting of a national status to individuals who qualify as stateless persons under the 1954 Convention definition.

States should also consider reforming laws and procedures in order to prevent statelessness. To this end, States should review and amend nationality laws to include safeguards against statelessness among children, by granting citizenship at birth to those either born on a State’s territory or to nationals abroad who would otherwise be stateless.

States should, furthermore, seek to achieve gender equality in their nationality laws by reviewing and amending discriminatory provisions that cause statelessness among women and/or their children. In particular, women must enjoy equal rights as men with respect to their ability to acquire, change, or retain their citizenship upon marriage to foreigners as well as equal rights as men with respect to conferring their citizenship on their children. As for particular procedural reforms, States should streamline administrative procedures and reduce relevant fees in order to facilitate the acquisition of nationality of eligible stateless persons. States should also improve the provision of birth registration and other civil registration documentation to reduce the risk of statelessness.

It is our hope that States will consider pledging to adopt a comprehensive strategy or action plan for the reduction and prevention of statelessness and its causes, in line with the statelessness conventions and the UNHCR protection framework. Where it is known that certain population groups are stateless within a particular State, for example, the relevant government should undertake measures to grant citizenship to them.

Finally, in formulating their pledges, States must undertake to grant stateless persons the standards of treatment provided for in the 1954 Convention. This includes the provision of identity and travel documents to stateless persons.

## **ONGOING CHALLENGES**

### **Protection to Victims of Natural Disasters**

Worldwide, the number of natural disasters has doubled over the last two decades, from approximately 200 to 400 per year. In 2010, an estimated 2 million people benefited from UNHCR's interventions in natural disasters including in Benin, the Dominican Republic, Haiti, Pakistan, the Philippines, and Uganda.

While displacement from natural disasters may resemble some aspects of refugee movements, such people are unlikely to be recognized as refugees under the 1951 Refugee Convention or under national law, as these people are not leaving owing to a well founded fear of persecution and normally not leaving their country of origin. In addition, the vast majority of forced movement prompted by natural disasters or by climate change occurs within national borders.

While UNHCR takes the lead in providing protection during internal displacement caused by conflict, UNHCR takes the lead in responding to humanitarian crises caused by natural disasters on a case by case basis (i.e. when requested by the UN Emergency Relief Coordinator). States have the responsibility to protect their citizens and those in their territory with regards to natural disasters, including disaster preparedness, response, recovery, and reconstruction. Protection analysis, though, is important during times of national responses to natural disasters, to address issues such as unequal access to humanitarian assistance, discrimination in the provision of assistance, sexual and gender based violence, lost documentation, trafficking, family separation, exploitation of children, unsafe relocations, etc.

UNHCR's High Commissioner, Antonio Guterres, has expressed a willingness to take a more systematic lead in providing protection immediately following natural disasters, particularly when we already have a presence in that country assisting refugees. However, some of our Member States have expressed hesitation about this out of a concern that greater involvement in natural disaster response will come at the expense of our core mandate. We continue to explore the issue with governments and other partners, so that an appropriate response can be formulated.

### **The Shrinking of Humanitarian Space**

The "shrinking of humanitarian space," or the decline in space in which forcibly displaced people can find shelter and in which aid workers can operate, continues to be of great concern to UNHCR. High Commissioner Guterres has identified three main factors behind this problem: the changing nature of conflict, particularly the multiplicity of parties involved; a hardening of attitudes on state sovereignty, and the increasingly difficult situation where humanitarian aid workers are present in conflict areas. As you know, even having access to deliver aid is blocked by some governments. We saw it in 2008 when Myanmar (Burma) blocked international assistance following cyclone Nargis and we see it now in Sudan and Somalia. Even if no authority is systematically blocking aid, insecure environments and the targeting of impartial aid workers makes delivering aid difficult.

#### *The Targeting of Aid Workers*

I'm sure you are aware of the recent kidnapping of two staff of Doctors Without Borders from the refugee camp in Dadaab, Kenya and three aid workers in Southern Algeria last weekend. In an effort to derail assistance efforts and, ultimately, to diminish humanitarian space, parties to armed conflicts have increasingly been targeting aid workers. Last year, 73 aid workers in countries around the world were abducted or killed.

Attacks against aid workers have been steadily increasing over the last decade, with a jump in recent years. According to a report published by the Humanitarian Policy Group in 2009, violent security incidents affected more than 1,100 humanitarian workers from 2003-2008 alone. The average number of major incidents affecting humanitarian workers from 2003-2005 increased by 89% from 2006-2008. In fact, more aid workers were killed in 2008 than were UN peacekeeping troops. The report also found that Afghanistan, Somalia, and Sudan are the most violent locations for humanitarian workers, comprising 60% of violent incidents affecting them.

UNHCR is highly committed to both providing assistance in precarious places and making every effort to ensure the safety of our staff—the two are not mutually exclusive. Nonetheless, security concerns in areas such as Somalia and Afghanistan make humanitarian activities difficult and can put our committed staff in danger. Hiring private security and/or using military escorts provided by governments can be important measures for our staff's security but can also undermine the perception of humanitarian impartiality.

### **Mixed Migration**

In a study done by the International Organization for Migration (IOM), the organization notes that “the notion that migration flows are ‘mixed’” is not an altogether new one” and that “migration has always been a multidimensional phenomenon, involving a variety of people who are on the move for a diversity of reasons.” The study goes on to note that “whether moving in a regular or an irregular fashion, all migration flows contain a variety of individuals possessing human rights.” Put otherwise, regardless of the impetus for their migration, it must be recognized that all individuals are owed the rights and protections set forth by the various relevant international instruments.

IOM also notes that “irregular flows...represent particular challenges,” as “on the one hand, they impede the rule of law and the legitimate functioning of government authority to regulate the entry and stay of nonnationals on its territory...[but] on the other hand, irregular migrants face, to a disproportionate extent, all manner of dangers, hardships and infringements of their human rights.” Any efforts undertaken to combat the issues presented by mixed migration must strike a balance between these two poles.

In his closing remarks to the 62<sup>nd</sup> session of UNHCR's Executive Committee last month, the High Commissioner addressed the growing problem of mixed flows, noting that there is a growing link between the movements of people forced to flee because of conflict and persecution—people who are refugees according to the 1951 Convention and other instruments—and those who are forced to move for other reasons or even move just because they want a better life. The High Commissioner has called on the international community to recognize the growing complexity of mixed migration, which can be attributed to the “compound[ing] [of] existing gaps in the protection regime” by such issues as climate change, food insecurity, and links between poverty and conflict. The High Commissioner concludes that

“it is very important to recognize that the world is changing with new trends of displacement, to recognize that gaps do exist, and to open the way for the international community to design innovative approaches to face these challenges.”

To help States address mixed migration movements in a protection-sensitive way, UNHCR in 2006 launched a 10-Point Plan of Action on Refugee Protection and Mixed Migration. The plan sets out key areas where protection interventions are called for. Mixed migration movements are of concern mainly in the Mediterranean basin, the Gulf of Aden, Central America and the Caribbean, South-east Asia and the Balkans. UNHCR published an updated action plan on Mixed Migration in February of this year.

## **UNHCR POLICY PRIORITIES FOR 2012**

The High Commissioner identified three main policy priorities for UNHCR at the end of our Executive Committee meeting last month. They include addressing protracted situations, urban refugees, and protection gaps.

### **Protracted Situations**

This is a primary area of concern for UNHCR. Some 7.2 million refugees across 24 countries were stuck in protracted situations at the end of 2010, the highest figure since 2001. Less than 200,000 refugees repatriated voluntarily during 2010, the lowest figure in more than 20 years. While the number of refugees in protracted situations is lower than it was 18 years ago, totaling 7.9 million refugees, it is higher than it was seven years ago, when there were 5.5 million in protracted refugee situations. UNHCR estimates that the average length of time for major refugee situations, protracted or not, has increased from nine years in 1993 to 17 years at the end of 2003.

We have seen progress in some situations. More than 50,000 Bhutanese refugees have left Nepal. While great reintegration challenges remain for reintegrating Afghan refugees, the governments of Pakistan and Iran have made important contributions to increasing the self-reliance of Afghan refugees in their countries.

We are holding Stakeholder Conference for solutions for Afghan refugees next year. I also want to recognize the generous decision of the government of Tanzania to grant citizenship to 162,000 Burundian refugees from 1972. In addition, through an agreement established between the government of Sudan and UNHCR, we are working together with the UN Development Program on a Transitional Solutions Initiative to increase self-reliance for refugees in eastern Sudan.

However, many challenges remain. As mentioned, voluntary repatriation is at very low levels. Numbers were much higher for two decades (an average of one million per year), but return rates have stalled due to the prolonged nature of some conflicts, with fewer returns to Afghanistan, South Sudan, and the DRC. There is no humanitarian solution to these conflicts. Durable solutions for returning refugees will require both political initiative and economic and social development. UNHCR’s mandate is non-political, but we can sometimes play a catalytic role by mobilizing other actors of the international community. Also, we can help the displaced return, but if there is nothing for them to do and no services available to them, they will not remain in their communities of origin. As the High Commissioner recently noted, “without economic development, the refugees of the past will become the migrants of the future.”

We can also do better at coordinating aid and protection delivery. Within the UN system, in the context of the One UN approach, a much progress has been made in terms of coordination. Coordination between the UN system and international financial institutions is still insufficient and the coordination of multilateral and bilateral forms of cooperation also still has a long way to go.

Education and vocational training for refugees in protracted situations is key, not only for maintaining morale in refugee camps but for preparing refugees for eventual reintegration. We have made an important step forward in health, nutrition and water/sanitation in recent years, although much remains to be done. We now also need to make education a center piece of our strategy for durable solutions.

### **Urban refugees**

Almost half of the world's 10.5 million refugees now reside in cities and towns, compared to the one-third who live in camps. In addition to growing in size, the urban refugee population has also been changing in composition. While in the past a significant proportion of the urban refugees who registered with UNHCR in developing and middle-income countries were young men, a pronounced shift has recently begun and refugee women, children and older people are increasingly found in urban areas. Urban refugees are a dispersed population that often lacks secure legal status and access to social services.

UNHCR believes that work is the key to sustain the livelihoods of urban refugees. By becoming self-reliant and productive, refugees with the legal right to work can benefit their local communities and host countries in addition to improving their own situations. UNHCR is still in the process of determining how to deal with this growing phenomenon more effectively.

What is clear, however, is that the need now is for UNHCR and others to build and test strategies and techniques that will allow them to carry out advocacy on behalf of urban refugees, especially in places where refugees are denied the right to earn a living and are therefore in particular need of advocates. Most important to note is that each host country's situation is unique, requiring a case by case examination of the opportunities and challenges related to refugee livelihoods and self-reliance in urban settings.

### **INTERNAL REFORM PRIORITIES**

UNHCR is in a process of reform to ensure that we manage our financial and human capital resources in the most efficient way, taking advantage of best practices and innovations. Given the current austerity measures that donors are undertaking around the world, it is more important than ever that we manage our budget wisely while not sacrificing assistance quality. We recognize that we must do more with less.

UNHCR's internal reform priorities include sustainability, accountability, and results based management. Operations and project sustainability in particular are key. Partnership with NGOs remains a core priority for UNCHR. UNHCR has completed reviews of our headquarters and field offices; decentralized; and undergone reforms in financial and human resources management. UNHCR's budget structure changed in 2009, and all staff-expansion proposals are rigorously evaluated, often resulting in

much fewer hires than originally requested. In addition, UNHCR reduced headquarters costs from 14% to 9% of our overall budget in 2010.

## **REFUGEE RESETTLEMENT**

The resettlement of refugees to third countries is included among the responsibilities of the High Commissioner within the Statute of UNHCR. Thus, it has been a part of the UNHCR's mandate since our inception. Over the past 60 years, millions of refugees have found protection and durable solutions through resettlement. For example, since 1975 the U.S. alone has resettled nearly 3 million refugees.

Beyond those who directly benefit from resettlement, the strategic use of resettlement has enabled wider groups of refugees to find protection and durable solutions. Over 60,000 Iraqi refugees have been resettled since 2007 through a concerted international effort between UNHCR and resettlement countries. This effort has been instrumental in keeping the doors open to refugees and asylum seekers in the Middle East. In Tanzania, resettlement of a relatively small group of 5,000 Burundians who had been refugees since 1972 was catalytic in starting discussions on local integration and repatriation that ultimately will provide durable solutions for more than 200,000 refugees in Tanzania.

Resettlement departures peaked during the 1980's in terms of absolute numbers; however, during that time resettlement's reach was limited to relatively few nationalities and countries of first asylum. In the years since, resettlement has expanded to be inclusive of more nationalities and to be available wherever refugees may be. Within UNHCR there have been significant advances in the development of more standardized criteria and procedures to ensure that resettlement is broadly implemented in a more equitable and secure manner. UNHCR has encouraged resettlement countries to come together so that national resettlement programs can be better coordinated and work together in a more complementary manner to address resettlement needs. Key to this has been the Annual Tripartite Consultations on Resettlement (ATCR). The ATCR process has been ongoing for the past 16 years and brings together resettlement countries, NGOs, and UNHCR to share information so that resettlement practices and policies can be improved.

UNHCR continues to actively promote resettlement, and to seek ways to expand its availability. UNHCR estimates that some 800,000 refugees worldwide are currently in need of resettlement. At the same time, less than 90,000 resettlement places are available globally for these refugees. UNHCR has shown that it is prepared to identify and refer significant numbers of refugees for resettlement (in 2008, 2009, and 2010 UNHCR made more than 100,000 resettlement referrals annually), but this level of referrals requires a comparable level of resettlement departures to avoid the creation of backlogs. A key challenge remains expanding of the number of countries that provide resettlement places, as well as increasing the absolute number of resettlement places, which has grown little over the past 10 years.

Resettlement has become increasingly complex in large part due to additional security measures that have increased significantly over the past decade. This has made the resettlement process both slower and less predictable. Refugees are often waiting months or years for decisions on their cases. There are relatively few options for refugees who have an urgent need for resettlement, for example due to protection issues that might threaten their life. There is a great need for countries to find ways to streamline procedures and

allocate sufficient resources in order that security screenings can be done swiftly and effectively. Failure to do so can—as we have seen this year—result in thousands of resettlement places going unused. This is something that should never occur when there is such an overwhelming humanitarian need.

UNHCR is grateful for the active participation of the United States government in offering resettlement solutions for millions of refugees over the past 60 years. This has allowed millions of refugees to begin rebuilding their lives in dignity and freedom. As the great President George Washington said in 1783, “The bosom of America is open to receive not only the opulent and respectable stranger, but the oppressed and persecuted of all nations and religions; whom we shall welcome to a participation of all our rights and privileges, if by decency and propriety of conduct they appear to merit the enjoyment.” UNHCR is hopeful that this American spirit of welcome, opportunity, and generosity towards refugees will continue in the years to come.

### **The 2011 Refugee Congress**

I cannot conclude this testimony without a word about a historic event that occurred here in Washington, D.C. this past August. UNHCR has long supported the inclusion of the voices and views of refugees in all aspects of our work. This year, with the 60<sup>th</sup> anniversary of the 1951 Refugee Convention, UNHCR sought to further this approach in the U.S. through the organization of the first-ever Refugee Congress, which was held near Capitol Hill. The Refugee Congress included refugee delegates from all 50 states. They represented diverse nationalities and several generations. They met for two days to share their experiences and ideas. For all involved, it was an enlightening and uplifting experience and demonstrated the necessity to keep refugees at the center of our work. The Refugee Congress concluded by passing a Proclamation that encapsulated their feelings, concerns, and vision for the future. One of the key priorities expressed by current and former refugees is to be involved in the design, implementation, and evaluations of the progresses related to them. A copy of that Proclamation is attached to my written statement.

### **CONCLUSION**

Mr. Chairman and members of the Commission, I thank you again for this opportunity to speak about the past 60 years of refugee protection and assistance, as well as the tremendous challenges that remain. While it is easy to look at the many situations of conflict and human rights violations around the world and become demoralized by the magnitude of the work ahead of us, it is important to pause now and then to reflect on what has been done, to take inspiration from those we serve, and to renew our collective dedication to the humanitarian cause. The Tom Lantos Human Rights Commission is at the forefront of that dedication, and we are honored to join with you in commemorating this year of important anniversaries. I will be happy to answer any questions that you may have.

Cochairman McGOVERN. And I want to thank not only you, but all your colleagues in the UNHCR for the incredible work that they have done over the years and that they continue to do.

We certainly mourn the loss of lives of many of the individuals who have dedicated their lives to protecting refugees and IDPs. It is especially tragic when relief workers are killed or taken hostage in many cases.

But the UNHCR is vital, as is the contributions of the United States and other countries around the world, to protect refugees and IDPs. And the issue isn't are we doing good things, the issue is could we do better?

And one of the questions that I asked Ambassador Robinson dealt with the issue of the fact that increasingly the number of refugees and IDPs that are in urban areas is increasing, and these populations present unique challenges for protection efforts. Individuals are not in concentrated populations as they are in camps. Cultural language barriers make daily life difficult, and distribution of aid or protection is much more difficult, just to name a few things.

I guess the question is what ways have policies changed or developed to deal with this growing population? And what more can be done to address this type of challenge?

Mr. COCHETEL. Thank you very much, Chairman.

I think one of the key challenge that we face in urban areas is to make sure that the refugee can benefit from mainstream social services, and that we don't create parallel structure for them.

It is very challenging in many countries, because the law does not provide that those services should be made available to refugees or asylum seekers. So we tend to work with partners that operate safety nets for those variable populations.

But if I look at the example of Ecuador or Costa Rica, for instance, not too far from us, I mean, those countries are really making efforts to try to integrate refugees into their social safety network. So I think that is something that we can only encourage.

We have also to make sure that we are mobile in urban environment. I see sometimes some of the UNHCR operation, we are a bit static because of staff security concern. If you take a place like Nairobi, people are inside a big bunker inside Nairobi, so lots of people come to get access to our service to our office. I think that is one way to look at servicing people. But I think we have to be better at the outreach, working with the communities where they live. To do that you have to work more with local NGOs, with international NGOs, including U.S. NGOs, that have this expertise in providing proximity community services to people.

Cochairman McGOVERN. In 2009, the UNHCR rolled out a worldwide global needs assessment aimed at determining the true needs of refugees and IDPs, figuring the costs of those needs, and planning on how ultimately to meet them. How has the global needs assessment changed operations within the UNHCR, and what successes or setbacks have been seen in the program?

Mr. COCHETEL. I think the global needs assessments as helpers and I think help our donor community to see that the budget that we were looking for would -- I mean, were only to target the most essential services. There are many things that we don't do. In many refugee camps there is no secondary education -- that is not even

mentioned -- vocational training or higher education. In many places we are not even able to cover all the primary education needs of refugees.

So I think the global needs assessment has enabled us to document that country by country in a clear manner. We understand the budgetary constraints of many states, including the United States, and we know that we cannot ask countries facing difficult economic situations to do more. What we are asking countries is don't do less, because if you do less, those vulnerable people are going to be affected in priority.

It has helped us in some situation also to prioritize our activities and design new partnership. We have recently got into an agreement with the World Bank for the response to the crisis in the Horn of Africa. It is good. I think we should have more of this sort of institutional cooperation with the financial institutions on linking up aid because some of the states are not going to be able to provide us the funding that we need to cover those comprehensive needs, so we have to look at those development agencies, and we have to look at the private sector to help us in this response.

Cochairman McGOVERN. One final question. Repatriation is one of the methods encouraged by UNHCR to aid refugees, and recently a new effort has been made to promote repatriation to the Democratic Republic of the Congo. So in addition to helping refugees return to their countries or towns of origin, what mechanism does the UNHCR have to protect those individuals when they are returning to places which are still in conflict like the DRC?

Mr. COCHETEL. That is a very good and difficult question, Chairman. I think there are some Congolese refugees in different asylum countries around the DRC would like to return. So when someone wants to return, we have to assist that person to return. We cannot force a person to stay in another country if the person wants to return. However, in some part of the Congo, of the DRC, the situation is less than ideal. Returns are not necessarily sustainable. We see people returning to northern or southern Kivu regions that have been displaced just after their voluntary repatriation.

So we have tried to increase our presence, in particular protection presence, and we have tried to develop our partnership. I mean, the U.S. administration was very supportive of that effort.

I have to remain very cautious about the future. Nobody knows how the forthcoming election are going to turn out in Congo in November. Let us hope that we won't see more displacement out of eastern Congo, but at the same time we have to continue the dialogue with Congolese refugees on those governments and facilitate the return of those who want to return.

Cochairman McGOVERN. Well, thank you very much. Thank you for your testimony and for responding to my questions. Again, we have great respect for the UNHCR and the work that you do, and it is great to have you here. Thank you.

We will call our final witness, Sarnata Reynolds, who is the program manager for Statelessness, Refugees International. Welcome.

## **STATEMENT OF SARNATA REYNOLDS, PROGRAM MANAGER FOR STATELESSNESS, REFUGEES INTERNATIONAL**

Ms. REYNOLDS. Good morning, Congressman and Chairman. Thank you for inviting me to be here today. And I also want to thank the members of the Commission for this opportunity to commemorate the anniversaries of both the Refugee and Statelessness Conventions and to discuss the situation of displaced and stateless people globally.

Refugees International is a nonprofit, nongovernmental organization that advocates for lifesaving assistance and protection for displaced people and refugees in some of the most difficult parts of the world. Based here in Washington, we conduct 20 to 25 missions per year in places like Sudan, which people just returned from; Kuwait, also just returned; Libya, people have just returned from; and Burma, where we have people going out in November. We do not accept government or United Nations funding, which allows our advocacy to be impartial and independent.

Every refugee, internally displaced person and stateless person has a unique story to tell, a story of oppression and abuse, of fear and flight. Just yesterday I was told about a 9-year old child, a little girl named Berlina Celsa, in the Dominican Republic. A month ago she was kidnapped, raped and murdered. The man charged with the crime was ordered to pay only 5,000 pesos to be released from jail. When Berlina's lawyer, her mother's lawyer, protested the minuscule bond amount, the judge said that it was appropriate because Berlina didn't exist, that she didn't exist legally because she was stateless. Although born in the Dominican Republic, making her a citizen of the country at the time of her birth, in 2010 the government amended its nationality law and applied it retroactively, denationalizing hundreds of thousands of people born to parents who are not legally residing in the country at the time of their birth.

The growing number of displaced and stateless people is neither a temporary problem nor the random product of chance events. It is the predictable consequence of human rights abuses, the results of decisions made by individuals who wield great power over other people's lives.

Too much of the time, governments pay lip service to the rights of refugee and stateless, while in practice devoting their energies to keeping refugees away from their borders and defining or redefining individuals in their territory out of existence. If governments fulfilled their responsibilities, and if they protected their citizens instead of persecuting or depriving them of nationality, then millions of women, men and children would not have to gamble on uncertain futures, and those in exile would be able to return home safely.

By investing in international organizations that provide the only lifeline to millions of refugees and stateless persons, the United States demonstrates a commitment to their safety and security. Particularly in the case of the stateless individuals who often live for decades without nationality, without access to their human rights or access to justice, the UNHCR and other international organizations may be the only agencies providing food, education and health care, and continued U.S. support to these agencies at current or increased levels is vital.

Refugees International anticipates that PRM, the U.S agency, of course, focused on the protection of stateless and displaced persons, will remain a forceful voice, encouraging UNHCR field offices to meaningfully engage with stateless populations.

We have heard today the commitment of the Department of State to ensuring that displaced and stateless people have access to their human rights. It is critical that Members of Congress continue to support the human rights protection of refugees, internally displaced and stateless persons by directly engaging with other nations, encouraging them to raise the profile of the 12 million stateless globally, and urging them to alter their nationality laws if they prohibit women from transmitting nationality to their children.

Last week Refugees International released a report on Kuwait where approximately 100,000 stateless bidoun live, and women, all women in Kuwait, do not have the right to convey nationality to their children. When a Kuwaiti woman marries a stateless bidoun man, both her husband and children will be homeless -- I'm sorry, maybe homeless, too, but will certainly be stateless. Lack of access to education, health care, and registration of the most basic milestones in a person's life, a person's birth, a marriage and a person's death, will not exist.

Members of Congress should take the concrete step of crafting and sending a letter to the Kuwaiti Parliament, National Assembly, that urges Kuwait to amend its nationality laws so it is no longer discriminatory against women and provides nationality to the bidoun in their territory, who are no different in language, culture or social customs.

Having just returned from Sudan and South Sudan, some of our researchers were encouraged by the UNHCR's decision to place dedicated staff in Khartoum and Juba focused exclusively on the prevention and reduction of statelessness. The UNHCR is facing a long-term assignment requiring the U.S. Government's commitment to providing financial and technical support so that the agency may continue to carry out this sensitive and complex effort.

Refugees International anticipates that, like in Sudan and recently liberated nations such as Libya very recently, opportunities to prevent and reduce statelessness exist, but the creation of new refugee and stateless populations are also a possibility. Our hope is that the U.S. Government and the UNHCR will encourage new governments to be inclusive of people on their territory and set aside what are likely deep-seated and difficult internal relationships so that the possibility of new statelessness and refugee populations are reduced.

Today the Tom Lantos Human Rights Commission and its cochairs have given a voice to children like Berlina, whose grieving family is experiencing no less profound a loss just because she has no legal identity. Refugees International urges Members of Congress to support UNHCR at current or increased levels, to send a letter to the Kuwaiti Parliament urging its members to support an amendment of Kuwaiti nationality law, and to make the prevention and reduction of statelessness a priority in all U.S. diplomacy with newly liberated nations and those with long-standing refugee and statelessness populations.

Progress toward the protection of refugees and stateless populations has not been and

will not be easy, but the key to progress is increased engagement globally by the United States, the UNHCR in partnership with other nations and with other agencies. Thank you.

[The statement of Ms. REYNOLDS follows:]

PREPARED STATEMENT OF SARNATA REYNOLDS, PROGRAM MANAGER FOR STATELESSNESS, REFUGEES INTERNATIONAL

Tom Lantos Human Rights Commission, U.S. House of Representatives

**“Protecting the Persecuted: The Successes and Challenges of Safeguarding Refugees, Internally Displaced Persons and Stateless Persons”**

Testimony of Sarnata Reynolds  
Program Manager for Statelessness, Refugees International  
October 26, 2011

Chairman McGovern, Chairman Wolf, and members of the Commission, thank you for this opportunity to commemorate the anniversaries of the Refugee and Statelessness Conventions, and to discuss the situation of displaced and stateless persons globally.

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Every refugee and stateless person has a unique story to tell – a story of oppression and abuse, of fear and flight. Just yesterday I was told about a nine-year-old child, Berlina Celsa, in the Dominican Republic. A month ago she was kidnapped, raped and murdered. The man charged with the crime was ordered to pay a five thousand peso bond to secure release from jail. When Berlina’s lawyer protested the miniscule bond amount, the judge said Berlina did not exist – that she did not exist legally because she was stateless. Although born in the Dominican Republic, making her a citizen of the country at the time of her birth, in 2010 the government amended its nationality law and applied it retroactively, denationalizing hundreds of thousands of people born to parents who were not legally residing in the Dominican Republic at the time of their birth.

The growing number of displaced and stateless people is neither a temporary problem nor the random product of chance events. It is the **predictable consequence of human rights abuses**, the result of decisions made by individuals who wield power over people’s lives.

Too much of the time, governments pay lip service to the rights of refugees and the stateless while in practice devoting their energies to keeping refugees away from their borders and defining, or re-defining, individuals out of existence.

If governments fulfilled their responsibilities – if they protected their citizens instead of persecuting or depriving them of nationality – then millions of women, men and children would not have to gamble on an uncertain future, and those in exile could return home safely.

By investing in the international organizations that provide the only life-line to millions of refugees and stateless persons, the United States demonstrates a commitment to their safety and security. Particularly in the case of the stateless – individuals who often live for decades without nationality, access to their human rights, or any legal protection – the UNHCR and other international organizations may be the only agencies providing food, education and health care, and continued US support to these agencies at current or increased levels is vital. Refugees International anticipates that PRM, the US agency focused on the protection of displaced and stateless people, will remain a forceful voice encouraging UNHCR field offices to meaningfully engage with stateless populations. It is critical that Members of Congress continue to support the human rights protection of refugees, internally displaced and stateless people by directly engaging with other nations, encouraging them to raise the profile of the more than 12 million stateless people globally, and urging them to alter their nationality laws if they prohibit women from transmitting nationality to their children. Last week Refugees International released a report on Kuwait, where approximately 100,000 bidoun reside and women do not have the right to convey nationality to their children. When a Kuwaiti woman marries a stateless bidoun, both her husband and children will be stateless, lack access to education, health care, and registration of the most basic of milestones in a person's life: birth, marriage and death. Members of Congress should take the concrete step of crafting and sending a letter to the Kuwaiti national assembly that urges Kuwait to amend its nationality law so that it is no longer discriminatory against women, and provides nationality to the bidoun in their territory, who are no different in language, culture or social customs.

Having just returned from Sudan and South Sudan, Refugees International is encouraged by the UNHCR's decision to place dedicated staff in both Khartoum and Juba focused exclusively on the prevention and reduction of statelessness. The UNHCR is facing a long-term assignment, requiring the US government's commitment to providing financial and technical support so that the Agency may continue to carry out this sensitive and complex effort. Refugees International anticipates that like in Sudan, in recently liberated nations, such as Libya, opportunities to prevent and reduce statelessness exist, but the creation of new refugee and stateless populations are also a possibility. Refugees International hopes that the US government and the UNHCR will encourage new governments to be inclusive of people on their territory and set aside what are likely deep-seeded and difficult internal relationships so that the possibility of new stateless and refugee populations are reduced.

Today, the Tom Lantos Human Rights Commission and its co-chairs have given a voice to children like Berlina, whose grieving family is experiencing no less a profound loss, even if she had no legal identity. Refugees International urges Members of Congress to support UNHCR at current or increased levels, send a letter to the Kuwaiti parliament urging its members to support an amendment of Kuwaiti nationality laws, and make the prevention and reduction of statelessness a priority in all US diplomacy with newly liberated nations and those with long-standing refugee and stateless populations. Progress toward the protection of refugee and stateless populations has not been and will not be easy, but the key to progress is increased engagement globally by the UNHCR and the US government in partnership with other nations and organizations.

Cochairman McGOVERN. Thank you very much for being here for your testimony, and thank you for your suggestion about the letter to the Kuwaiti Government, which we will talk amongst ourselves, and hopefully our staff can get in touch with you and get some of the appropriate details so we can follow up.

For protection efforts for refugees, IDPs and stateless individuals to be successful, it seems that there must be coordination and cooperation amongst the many groups and states that are involved. And you had mentioned that Refugees International accepts no funding from the U.N. or from the United States. What forms of interaction does Refugees International have with the UNHCR and similar organizations?

Ms. REYNOLDS. I would think quite robust. Obviously it is in the interest of the issues themselves for Refugees International to be in constant or very regular dialogue with the agencies who are on the ground working with refugees, displaced people and stateless people, as well as those who are at a more senior level who are creating the policies that those agencies will follow.

So we are certainly -- as Dr. Cochetel can tell you, there are times when we disagree with their approach to some of the protection mechanisms that are taking place, and we are very honest about that, and they very willing to listen; and there are times, of course, when we want to congratulate them for the work that has been done. Either way protection for Refugees International and, of course, for UNHCR and other organizations doing that lifesaving work is the main priority, and we want to make sure that is a constructive dialogue.

Cochairman McGOVERN. Although stateless individuals face numerous challenges, it seems that some groups face disproportionate hardships, particularly women, children, and the disabled, and the tragic story you just told about that young girl in the Dominican Republic, I think, is an example of that. But how are programs being developed to address the specific needs of these most vulnerable groups?

Ms. REYNOLDS. I think that is a really good question. It has already been raised, I think, by everyone that the stateless population is to a great extent the forgotten population. They have fallen through the cracks of national law, they have fallen through the cracks of international law because no state is taking up the responsibility.

To some extent I think we are at the beginning of that discussion, and while I think there is generally an emphasis on women and children, vulnerable populations, including the disabled, in protection work, how that is manifested in stateless populations I don't really feel like I can say right now. It is all very new. Maybe South Sudan where UNHCR has dedicated staff will be a good place to create a project focusing on that and building out from there.

Cochairman McGOVERN. Thank you.

A relatively new area of growing concern is displacement and statelessness caused by changes in climate. People are being forced from their homes due to weather-related disasters, environmental degradation and changing climate conditions. Some of the most recent examples of this can be seen in the recent floods in Pakistan and Colombia, as well as the drought and famine in the Horn of Africa.

So what are the main issues related to this problem? What populations are suffering the most? And what can the international community do to prevent and

protect displacement from climate change?

Ms. REYNOLDS. That is quite a question. I mean, the main issues, I think, are -- to a great extent the main issue that anyone on the move faces, the people are having to leave without their own personal goods. Generally oftentimes climate change and drought, flooding hits the poorest parts of countries, people who have the least means to leave and are not likely to be well integrated into wherever they end up. I think that is a main issue.

And then also as -- it is not -- I think to a great extent it is like the situation of refugees in that people may or may not receive or welcome them, because people who are moving as a result of climate change are not protected under the Refugee Convention, the only convention that really is widely recognized and widely -- at least it is an attempt to widely adhere to it. I think it is a really dangerous situation for them. Like the stateless were, as you said yourself, I think it was you who said, states -- everyone wants to put it off on someone else, and this isn't our problem. I think that is a real vulnerability for people on the move as a result of climate change.

In terms of prevention and protection, great question again, it seems to me there has to be an international -- this isn't something I thought a whole lot about, but I think it needs to be -- it does need to be a responsibility sharing. There are places in the world where I think in general there is widespread agreement that climate change is taking place, and places that can be identified as likely to experience drought, or flooding, or another kind of tsunami, or even earthquakes that have occurred previously where there are opportunities to create preventative mechanisms: What does that mean for housing? Or what does that mean for populations live? What does that mean for -- are there trigger mechanisms in place so that the international community will step up when a tragedy occurs and people are on the move?

Again, I think that is -- I think we are in the beginning of that conversation to some extent as well.

Cochairman McGOVERN. Thank you.

I have one final question, and that is millions of individuals around the world require protections which are granted from the Refugee and Statelessness Conventions. In your opinion, what are some of the populations and groups who deserve more attention than they are currently receiving? Who faced the most critical needs? And what can the United States and UNHCR do to improve these situations?

Ms. REYNOLDS. Well, I think one that I have already raised is the bidoun throughout the Middle East and Kuwait as well. They are in critical need of assistance. They are just the forgotten, and they -- like most stateless populations and like what has been talked about before, just the ability to register that person was born is undermining the person's entire life, and so that is a really important population.

Rohingya, which is a very large population as well out of Burma, but, of course, they are in other countries as well now, need a remedy for their situation.

Well, Kurds, I think, all over the Middle East as well need a remedy in Syria. After the protests began, one of the first steps that was taken to try to quell the protests was to confer, in theory anyway, nationality on Kurds, Syrian Kurds. Of course, there is nothing effective about nationality when the right of -- your human rights are being denied.

So those are three examples.

Cochairman McGOVERN. Well, I want to thank you. The last part of my question was any additional advice to the State Department or to the UNHCR on what you would like them to do that they are not doing?

Ms. REYNOLDS. Mine were more directed at you, Members of Congress.

Cochairman McGOVERN. Or Members of Congress, absolutely, or us. And give us, tell us what we need to be doing that we are not doing.

Ms. REYNOLDS. I think from the administration standpoint, you brought up Colombians quite a few times. I agree with you, I think you are absolutely right that there isn't enough attention there, even in terms of resettlement spots, which only ever assist a very, very tiny population of people. So the Presidential determination and the allocation to Latin America is very small, and inside that allocation there are very, very few Colombians who are able to get through the process.

Part of that is also related to the security screening process, which is obviously very complicated and has become, I know, for you and UNHCR as well a very difficult mechanism to maneuver. So I think looking at that for Colombian people is really important, because everything you say I agree with.

I would love to see that Congress pass the stateless portion of the Refugee Protection Act. Whether they pass the whole act, which would be terrific, or just that portion, I think it is very important for the United States to be able to show that it is taking steps to identify and provide a remedy for stateless people that find themselves in the U.S.

The one final domestic issue that I would like to raise is the issue of indefinite detention, postremoval indefinite detention. And basically people who are stateless, right from the very start it is very clear they are stateless by law, have no reason to be in detention, there is no chance they are going to be removed. It is a waste of administrative resources to try to remove them through removal proceedings. That needs to be addressed. But also, there are thousands of people whose countries are no longer cooperating with the United States in issuing travel documents, and so for many of those people, they are experiencing months and sometimes years in detention after they have been ordered removed.

Effective nationality, one of the tests for it is whether the person is receiving the diplomatic protection of his own country or her own country, and for these people obviously that is just not the case. Not only are they not receiving diplomatic protection through travel documents, they are also in jail, in a detention center for years, which many organizations, including Refugees International, have documented as oftentimes inhumane.

So there is a fine line there about when the U.S. needs to be looking at what do we do; should we be affirmatively taking opportunities to provide a remedy for those people as well inside the United States?

Cochairman McGOVERN. I want to thank you for your excellent presentation. I want to thank Refugees International for the work it does and all the panelists here. This has been an fascinating hearing, and it now stands adjourned, thank you.

Ms. REYNOLDS. Thank you.

[Whereupon, at 11:10 a.m., the Commission was adjourned.]

# APPENDIX

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MATERIAL SUBMITTED FOR THE HEARING RECORD



**Tom Lantos Human Rights Commission (TLHRC)  
Hearing Notice  
Protecting the Persecuted: The Successes and Challenges of Safeguarding  
Refugees, Internally Displaced Persons, and Stateless Persons  
Wednesday, October 26, 2011  
10:00 a.m. – 11:30 a.m.  
Cannon HOB 340**

In commemoration of the 50<sup>th</sup> anniversary of the UN Convention on the Reduction of Statelessness and the 60<sup>th</sup> anniversary of the UN Convention on the Status of Refugees, please join the Tom Lantos Human Rights Commission for a hearing on the current human rights concerns involving refugees and stateless and internally displaced persons.

Millions of people around the world have become internally displaced persons (IDPs) or refugees as a result of war or persecution. These individuals flee conflict or persecution in order to seek shelter elsewhere, often leaving behind families, property, and a way of life. The UN Convention on the Status of Refugees of 1951 (Refugee Convention) and the UN Convention on Reduction of Statelessness of 1961 (Statelessness Convention) provide necessary legal protections for refugees and IDPs. These instruments codify protected rights for refugees and other populations of concern and create a legal obligation for states to protect them. The UN High Commissioner for Refugees, established in 1949 and initially charged with a 3-year mandate to coordinate international action to safeguard the rights of refugees, continues its important work on behalf of 36.4 million refugees, stateless persons, and IDPs today. This hearing will highlight the accomplishments achieved since the enactment of the Statelessness and Refugee Conventions and will identify areas for improvement. Both the U.S. Government witness and the UNCHR representative will discuss how the conventions have been implemented, key areas of concern, and ongoing problems faced by refugees and stateless and internally displaced persons.

**The following witnesses have been invited to testify:**

Panel I

- David Robinson, Acting Assistant Secretary, Bureau of Population, Refugees, and Migration, U.S. Department of State

Panel II

- Vincent Cochetel, Regional Representative, United Nations High Commissioner for Refugees (UNHCR) Washington Office

Panel III

- Sarnata Reynolds, Program Manager for Statelessness, Refugees International

If you have any questions about this hearing, please contact Molly Hofsommer (Rep. McGovern) or Wendy Sneff (Rep. Wolf) at 202-225-3599, or send an email to [tlhrc@mail.house.gov](mailto:tlhrc@mail.house.gov).

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