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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the Asylum Access, a non- governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 August 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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The Importance of Including Refugees in the Right to Development

Asylum Access welcomes the actions of the United Nations Working Group on the Right to Development in continuing to make the right a reality for everyone through the post-2015 development agenda. As the UN High Commissioner for Human Rights stated at the fifteenth session of the Working Group, “the right to development can contribute to a new paradigm for sustainable and equitable social justice built on the firm normative foundations of human rights.”¹ We applaud and support this sentiment.

Asylum Access is also pleased at the inclusion of refugees in the right to development criteria and sub-criteria under Attribute 1, sub-criterion 1(i)(v) referring to contributing to “an environment of peace and security.”² However, we urge the Working Group to look beyond mere state contribution to refugee hosting, and to apply its strong, human rights driven principles more comprehensively to refugees.

We call upon the Working Group to specifically include refugees in draft operational criteria and sub-criteria pertaining to non-discrimination, fair access, eradication of social injustices, rule of law, good governance, and the promotion of rights-based approaches to development. We urge the Working Group to further consider the following recommendations.

Overview

There are nearly 16 million refugees in the world, more than 80% of whom live in the world’s poorest countries for an average of 20 years and have little chance of returning home or resettling in a third country.³ Many live in constant threat of detention and deportation and without access to basic legal protection and services. One third live in closed refugee camps where human rights are severely restricted, including the right to move freely and access employment. The remaining two-thirds live on the fringes of urban centers, often with inadequate access to legal protections and services.

The *Guiding Principles on Extreme Poverty and Human Rights* specifically mention refugees and asylum seekers as among those “particularly vulnerable to extreme poverty.”⁴ These Principles note that those in poverty are often seen as “passive recipients of government aid or charity, when, in fact, they are rights holders with entitlements to whom policy makers and other public officials must be held accountable.”⁵ This correction in approach is essential for refugees to achieve dignity, self-reliance, and recognition as people with rights, not just needs, by private sector and government actors.

Despite the impoverished and disenfranchised state of refugees and other forced migrants, refugee populations have been largely left out of the post-2015 development agenda discussions, national development plans, and poverty eradication strategies.⁶

An additional hurdle is the fact that refugee populations are no longer subject to the protection of their country of origin, and often have limited access to rights and protection in their country of refuge. This gap can be more specifically addressed through targeted application of the post-2015 development agenda to the human rights and development needs of the forcibly displaced.

¹ Available at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14585&LangID=E>

² A/HRC/15/WG.2/TF/2/Add.2

³ World Refugee Day: UNHCR report finds 81 per cent of world’s refugees in developing countries, Available at: <http://www.unhcr.org/4dfb66ef9.html>.

⁴ A/HRC/21/39, para. 8.

⁵ Id, para 45.

⁶ UNHCR: Poverty Reduction Strategy Papers- A Displacement Perspective at 3 (October 2004). Available at: <http://www.unhcr.org/41b079fe4.pdf>.

By including refugees in the Right to Development discussion and applying the United Nations ‘Protect, Respect and Remedy’ framework to refugee rights in the context of development, host countries may enjoy the socio-economic benefits of a dignified, self-reliant refugee population, and refugees will be protected from abuse and given access to their basic human rights. When refugees are given an opportunity to achieve self-sufficiency, they invest in their families and communities, serving the development objectives of countries.

Leaving this population out of the conversation ignores the valuable skills refugees often possess—skills that could otherwise contribute to the economies and development of their host countries. The exclusion of refugees from the Right to Development conversation is thus a barrier to the effective implementation of the *Guiding Principles on Extreme Poverty*, and leaves holes in the implementation of the post-2015 development agenda.

Recommendations

Asylum Access urges the Working Group to take special care to include refugees and asylum seekers in all categories of monitoring the implementation of the right to development. We urge that official reports submitted to the Human Rights Council include development issues as related to refugees.

We urge the working group to include refugees in the right to development criteria and sub-criteria beyond Attribute 1. Specifically, the Working Group should take refugees into account under Attribute 2, Participatory human rights processes, and Attribute 3, Social justice in development. Under Attribute 2, the Working Group should specifically include refugees under criteria pertaining to legal frameworks, the importance of a rights based approach, non-discrimination and access to remedies, and the promotion of good governance. Under Attribute 3, the Working Group should include refugees in criteria targeting fair access to development, burden sharing and eradicating social injustices. It is only through this in-depth analysis that the 16 million refugees worldwide will be meaningfully included in the post-2015 development agenda.

Because the Working Group aims to carry out its mandate in a manner that includes consulting and engaging directly with individuals, communities, and national human rights institutions to inform its work, we urge the Working Group to consult Asylum Access and other refugee human rights organizations to ensure that its findings and recommendations respond to practical and operational realities on the ground.

We urge the Working Group to take into consideration existing standards, initiatives, knowledge, and tools developed by Asylum Access’s headquarters and local offices on the subject of refugee rights and access to development. In particular, Asylum Access, through its leadership in the Refugee Work Rights Coalition, informs global approaches to refugee work rights, looking beyond humanitarian aid to safe, lawful employment opportunities for refugees. The report, “Global Refugee Work Rights: Taking the Movement from Theory to Practice,” is available in print and online.

We urge the Working Group to consult with Asylum Access’s regional consultants who share a similar vision for refugee rights, including the Refugee Work Rights Coalition (RWRC), Asia Pacific Refugee Rights Network (APRRN), and Southern Refugee Legal Aid Network (SRLAN).

Conclusion

The Right to Development and the post-2015 development agenda are crucial to promoting access to development for everyone. However, this vision cannot be fully accomplished without meaningfully including refugees, asylum seekers and other forced migrants in the monitoring and implementation of the right. Refugee populations often fail to attract attention beyond the humanitarian aid sphere, which becomes problematic as conflicts last for decades. Refugee populations must be given the right to contribute to their host country’s development goals, and the international community must address poverty, inequality social and economical exclusion experienced by refugees in order to achieve the vision of the Right to Development.